

# Tamilnadu Probation

## SOUVENIR

RELEASED AT THE SEMINAR  
ON

"Rehabilitation of Criminals-vis-a-vis-Problems of The Victims"

And

"Short-term Sentences - utility and alternatives"

held at Salem

on the 29th & 30th July, 1978

Tamil Nadu Probation and Correctional Association, Madras

**Dated 11-5-1953**

The Government approve the proposal to start the Madras State Probation and Correctional Association and permit as a special case Government servants dealing with Probation and allied work to become office bearers of the Association along with non-official members of the Association and to collect funds for the Association, subject to the condition that the work should not interfere with their normal official duties.



**CERTIFICATE OF REGISTRATION OF SOCIETIES**

**ACT XXI OF 1860 S. No. 204 of 1969**

I hereby certify that 'TAMIL NADU PROBATION AND CORRECTIONAL ASSOCIATION' has this day been registered under the Societies Registration ACT XXI of 1860.

Given under my hand at Madras, this Twenty third day of July  
One thousand nine hundred and sixty nine.

Sd.....  
Registrar of Assurances,  
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23 APR 1981



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**Journal of the Tamil Nadu Probation and Correctional Association**

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# TAMIL NADU PROBATION AND CORRECTIONAL ASSOCIATION

## SEMINAR ON

1. REHABILITATION OF CRIMINALS VIS-A-VIS PROBLEMS OF VICTIMS
2. SHORT-TERM SENTENCES UTILITY AND ALTERNATIVES

SALEM, 29th & 30th JULY 1978.

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23 APR 1981

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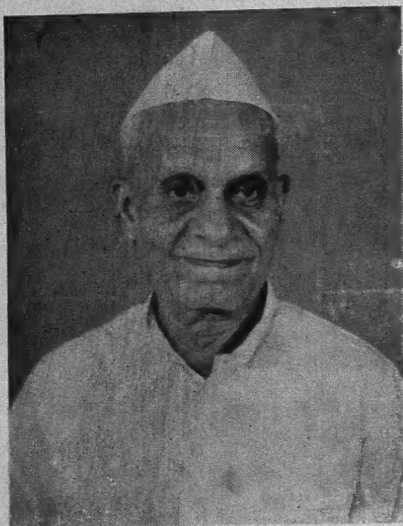


23 APR 1981

RAJ BHAVAN,  
MADRAS- 600 022.

*Dt. : 5th June '78.*

## MESSAGE



I am glad to know that a two day Seminar will be held by the Tamil Nadu Probation and Correctional Association at Salem on the 29th and 30th July '78 and that it will discuss two important topics, naemly "Rehabilitation of Criminals vis-a-vis problems of the Victims" and "Short-term sentences-Utility and alternatives". I am sure the deliberations of the Seminar will further help in solving the delicate problems of rehabilitating the criminals and making them useful citizens. I wish the Seminar every success.

*Balakrishna B. Patwari*

GOVERNOR OF TAMIL NADU.

**T. RAMAPRASADA RAO**  
Chief Justice

**MADRAS**

*6th June, 1978.*

## **MESSAGE**



would bring out such useful projects for the betterment of criminals and particularly their after care.

I have received your communication dated 2-6-1978 informing me about the holding of a Two-Day Seminar at Salem on topics of interest connected with social welfare of the community. I am happy that many important personnel are participating in it. 'Prevention is better than cure' is a well-known adage and I always felt that probation and corrective methods coupled with after care in the matter of prevention of crime and treatment of offenders will always keep up the high morale required of an orderly society. I wish that your Seminar

I wish the function a success.

**T. RAMAPRASADA RAO**

K. N. MUDALIYAR

Minister for Law

FORT ST. GEORGE

MADRAS - 600 009.

4th July, 1978.

MESSAGE



*I am glad to notice that the "Problems of Victims" are going to engage the attention of the participants in the Seminar; so also the other subjects.*

*Regarding the Problems of Victims left behind by the murderer and his Victim, I presume that these unfortunate persons should receive some aid from the State particularly when they are passing through formative periods regarding their careers.*



*I wish the Seminar all success.*

*K. N. Mudaliyar.*

Minister for Law

**Justice V. R. Krishna Iyer,**  
JUDGE.

6, Moti Lal Nehru Place  
New Delhi-110011.  
Supreme Court of India,  
NEW DELHI

*7th June 1978.*

## MESSAGE

It was thoughtful of the Tamil Nadu Probation and Correctional Association to organise a two day Seminar on 'Rehabilitation of Criminals vis-a-vis—Problems of the Victims' and 'Short-term-Sentences—Utility and Alternatives'. I need hardly say that both the topics are of enormous social significance. Currently the criminological instrumentalities dealing with rehabilitation and sentencing are not sufficiently informed about the problems which fall for discussion in your seminar. It is vital that practical and academic studies of these subjects are undertaken and views exchanged so that we may be able to evolve wise national policies on these penological issues. What is more necessary is that follow-up action is undertaken to implement decisions commanding broad consensus. I dare say your Association's efforts will go a long way in the direction and correction of therapeutic handling of delinquents. I wish your seminar success conventionally and unconventionally.



*V R Krishna Iyer*



V. KARTHIKEYAN, I.A.S.  
CHIEF SECRETARY  
Government of Tamil Nadu

23 APR 1981  
FORT ST. GEORGE  
MADRAS - 600009

12th June 1978

### MESSAGE



I am happy to know that the Tamil Nadu Probation and Correctional Association is holding a Seminar on ' REHABILITATION OF CRIMINALS vis-a-vis PROBLEMS OF THE VICTIMS ' and ' SHORT-TERM SENTENCES - UTILITY A N D ALTERNATIVES ' at Salem on the 29th and 30th July 1978. Rehabilitation of Criminals is a social problem of the greatest magnitude and short-term sentences have come to stay as a necessary evil. I am sure that the Seminar would find acceptable solutions for these immense problems.

I send my good wishes for the success of the Seminar.

V. KARTHIKEYAN

**H. M. SINGH, I. A. S.**  
Home Secretary

**FORT ST. GEORGE**  
**MADRAS - 9**

*14th, June 1978*

## **MESSAGE**

I am happy to note that the Tamil Nadu Probation and Correctional Association is holding a Seminar on REHABILITATION OF CRIMINALS vis-a-vis ' PROBLEMS OF THE VICTIMS ' and SHORT TERM SENTENCES UTILITY AND ALTERNATIVES' at Salem on the 29th and 30th July 1978. Many are the problems of Rehabilitation of ex. convicts. An alternative to short term sentences will obviate the problems to a great extent. I hope the Seminar would be able to make some concrete suggestions.

I wish the Seminar every success.

*H. M. SINGH*

# TAMIL NADU PROBATION AND CORRECTIONAL ASSOCIATION

## PRESIDENTIAL ADDRESS

*at the Inauguration of the Seminar held at  
SALEM on 29th July, 1978*

BY

JUSTICE R. L. NARASIMHAN, I.C.S., (Rtd.),  
*Former Chief Justice, Patna High Court.*

Chief Justice Ramprasad Rao, Honourable Judge of the Madras High Court, Distinguished Guests and Friends.

At the outset, I wish to thank the organisers of the Tamil Nadu Probation and Correctional Association for giving me this opportunity to be in your midst to-day. Eversince I retired as Chief Justice of the Patna High Court in August 1968—after serving for more than two decades on the Bench—I have been always remembering nostalgically my close contact with brother Judges and members of the Bar and you can therefore easily appreciate how happy I am to be in the midst of the judicial fraternity to-day. Moreover having been a member of the Indian Civil Service I feel quite at home with the executive and judicial officers also.

The topics for discussion in this Seminar are:

- (1) Rehabilitation of Criminals Vis-a-vis Problems of the victims and
- (2) Short-term sentences-utility and alternatives.

On these two topics, the Chief Justice, in his inaugural address and the other speakers will speak at length. I would therefore, content myself with referring to some of the salient

points which have relevance at present. My speech will be based partly on my own impressions gathered from my visits to the various Central Prisons in this State and discussions with officers of the executive, judiciary and prison department and some of the prominent non-official persons interested in prison reforms.

Jurists all over the world have been very much concerned with the question of "Duty to make amends for the harm caused". In the code of the U.S.S.R.<sup>1</sup> a new punishment known as "imposition of duty to make amends for harm caused" has been provided as one of the supplementary punishment which may be imposed either as the only punishment or as an additional punishment for certain classes of offences. Thus article 32 of their code is as follows:

"Article 32. —Imposition of the duty to make amends for harm caused:

Execution of the duty to make amends for harm caused shall consist in direct elimination, by one's own resources of the harm caused, or in a public apology before the victim or before members of the collective in a form prescribed by the Court.

Punishment in the form of imposing the duty of directly eliminating, by one's own

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1. R.S.F.S.R. Penal Code, Article 21 (8).

resources, the harm caused may be assigned in the event that the court taking into account the character of the harm caused, deems that the guilty person is capable of directly eliminating it in the indicated manner.

Punishment in the form of imposing the duty to compensate for material loss may be assigned if the amount of the loss caused does not exceed one hundred roubles:

Punishment in the form of imposing the duty of publicly apologising before the victim or members of the collective may be assigned if there has been an infringement of personal integrity or dignity or a violation of the rules of socialist communal life not causing material loss.

If the convicted person fails to fulfil his duty to make amends for the harm caused within the period established by the Court, the court may replace this punishment by correctional tasks, or a fine, or dismissal from office, or social censure. In such event, and also in the event that material loss is caused in an amount of more than one hundred rubles, compensation for loss caused to the victim shall be effected by way of civil proceedings". (The translator's style of English may appear to be somewhat unfamiliar to us).

The main advantage of this type of punishment is that it provides for the direct reparation to the victim of the crime. Imprisonment is avoided except by way of coercion if the order for reparation is not obeyed.

In India the Criminal Law touches only the fringe of the problem. Section 357, 358 of the new Criminal procedure Code (Corresponding to old Section 545) are wholly inadequate.

The conviction and sentence passed on the offender may satisfy the State which is generally responsible for initiating prosecution; but it is a poor consolation to the innocent victim of the crime. As pointed out in the white paper "Penal practice in a changing society"<sup>2</sup> the "assumption that the claims of the victims are sufficiently satisfied if the offender is punished by society becomes less persuasive as society increasingly emphasises the reformative aspect of punishment" and adds the view that the concept of reparation might give "greater moral value".

In ancient Hindu law, the law-givers were fully aware of the necessity of directly compensating the victim of the crime. Thus, Manu in Chapter VIII,<sup>3</sup> verse 287 says:—

"If a limb is injured, a sound (is caused) or blood (flows, the assailant) shall be made to pay (to the sufferer) the expenses of the cure, or the whole (both the usual amercement and the expenses of the cure as a) fine (to the king)".

In Chapter VIII, verse 288, Manu says:

"He who damages the goods of another, be it intentionally or unintentionally, shall give satisfaction to the (owner) and pay to the king a fine equal to the (damage)".

Manu, thus provides for direct reparation to the victim of the crime apart from payment of fine to the king (the State). In Chapter XXI, Verse 10, Brihaspati<sup>4</sup> says:

"He who injures a limb, or divides it, or cuts if off shall be compelled to pay the expenses of curing it; and (who forcibly took an article in a quarrel restores) his plunder".

2. 1954, 247 Law Times, 117, 118.

3. Sacred Books of the East by Max Muller Vol. 25.

4. Ibid—Vol. 33.

In Chapter XXVI, Verse 7, he says :

"A merchant who conceals the blemish of an article which he is selling or mixes bad and good articles together or sells (old articles) after repairing them, shall be compelled to give the double quantity (to the purchaser) and to pay a fine equal (in amount) to the value of the article".

Here also a distinction is made between imposition of fine which goes to the State and direct reparation to the victim of the crime.

In many countries such as Austria, Norway, Sweden, Spain, Italy, France and Germany provisions have been made in the criminal code for including the claim of Victim against the accused prisoner.

In England also jurists are slowly veering round to the view that apart from payment of fine, personal reparation including the undoing of the damage wherever possible or performance of other useful service by the convict is desirable.

I may quote the following passage in the article "Crime and Punishment" reparation to the victim.

"Personal reparation—linked, if necessary, to some scheme of national compensation—might involve revision of prison earnings and new arrangements for the supervision of offenders who are at liberty, but it would surely emphasise a man's responsibility for his own crime. *It need not be confined to money payments but could be extended to undoing the damage where possible, or performing other useful services. It would at once be just and reformatory*".

In India the number of offences for which the convicted person may be ordered to make

amends directly to the victim is very high. I give below a list of these offences for the year 1976.

Hurt	... 6591
Wrongful restriction and wrongful confinement	... 982
Criminal force and assault	... 272
Theft	... 11057
Extortion	... 2
Criminal misappropriation	... 2
Receipt of stolen property	... 1532
Cheating	... 885
Mischief	... 254
Criminal Trespass	... 4284
Defamation	... 32
Criminal intimidation, insult and annoyance	... 49
	<hr/> 25,919 <hr/>

The total number of persons convicted under the Indian Penal Code during the year 1976 was 57,994. Thus it will be noticed that in the year 1976 out of the total prisoners convicted under the penal code namely 57,994 nearly one half namely 25,919 were convicted of these offences. If adequate provision had been made in the Penal Laws of India for direct payment of reparation to the victims, short term imprisonment for these offences could have been avoided. I may suggest for consideration by the seminar, draft of suitable amendments to the I. P. C. and Cr. P. C. to effectuate this objective.

Turning to the Second topic namely Short term sentences, Utility and alternative, I may point out that the most urgent problem in Criminal administration, is the elimination of short term imprisonment as far as possible. The following figures of total number of convicted prisoners in all the Central Jails in

Tamil Nadu including the Borstal School at Pudukkottai are revealing,

<i>Total No. of convict</i>	<i>1975</i>	<i>1976</i>	<i>1977</i>
1. Prisoners	37,197	60,132	41,755
2. No. of prisoners sentenced to six months and below	32,183	36,535	25,493
3. Percentage of 2 to 1	88%	61%	61%

Though there has been a reduction in the percentage from 88% to 61% yet present percentage is high. More than sixty per cent of the total prison population are short-termers. If the figures of short term prisoners detained in sub-jails are added, the percentage will be higher still.

The evils of short-term imprisonment are well known and need not be elaborated at great length. As has been unambiguously laid down in the International Covenant on Civil and Political rights adopted by the Assembly of the United Nations on the 6th December 1966, the main aim in the treatment of prisoners in all civilized countries where rule of law prevails is their *reform and social rehabilitation*. The period of sentence should, therefore, be adequate for the prison staff to attempt to reach the aforesaid objectives. If they are overwhelmed with the burden of looking after short term prisoners, they cannot possibly discharge this primary duty in respect of long term prisoners. Their work becomes routine and mechanical and the reformatory and rehabilitative aspect is virtually neglected.

Apart from thus handicapping the prison staff, the effect of short-term imprisonment on the prisoner is disastrous. During such a short term, no reformatory measure can be successful and he comes into contact with the habitués and learns their trade. He comes out of the

prison as a professional criminal. Consequently the society is burdened with prisoners who come back to prison again with fresh commission of Crimes. Reformation of the offender is not only in the interest of the offender but also in the interests of the society, because that is the surest way of protecting society from crime. Though it may be very high ideal to say that every prisoner should be reformed and rehabilitated soon after coming out of the jail, nevertheless every effort should be made to maximise the chance of the reform of the offender.

Though there are several reasons for the large percentage of short term prisoners it appears to me that one of the main reasons, is the inadequate knowledge of the principles of sentencing offenders on the part of some of the trying Magistrates. There are innumerable decisions of the High Courts on the evils of short term imprisonment. But many of these are not known to Junior Magistrates, who are appointed straightaway to preside over Criminal Courts in the Districts and taluks without adequate training.

I may in this connection refer to the publication of the Home Office of Britain entitled "The sentence of the Court" which is a hand book giving guidance to the Courts as regards various classes of punishment provided in British Penal Law. This hand book was prepared on the basis of the report of a committee under the Chairmanship of Mr. Justice Streetfield, who said in their report.

"All who have responsibility for passing sentence should be systematically provided with a booklet giving comprehensive information, for every form of sentence, about what it involves, together with information about research into the results of sentences. The book-let should be supplemented at regular intervals with



the latest information as it becomes available".

A similar hand book may be prepared by the Home Department of the State Government.

Even if the State Government is somewhat reluctant to take up this publication, an enterprising member of the Bar, with the patronage of the Chief Justice, may bring out such a book. Doubtless it should be revised from time to time.

It is also very desirable that the Chief Judicial Magistrate of every District who is the administrative head of all Magistrates, should exercise close and effective supervision over their work, give them guidance as to how to conduct proceedings in courts, how to be courteous but firm with the members of the bar, how to avoid unnecessary adjournments and ensure speedy disposal of cases. The calendar system which is very useful in correcting errors committed by the Magistrates after the judgement is pronounced should be supplemented by effective control while the case is under-trial before a Magistrate. Frequent tours, personal discussions with trying Magistrates and scrutiny of their Diaries and pending case records is necessary. Periodical meetings between the Chief Judicial Magistrate and the District Superintendent of Police, which I am told is now held only once in 6 months may be made a monthly feature. All Magistrates should be made Jail Visitors and required to visit the prisoners in their jurisdiction frequently so that they may get a clear picture of the evils of the short-term imprisonment.

It is also very necessary that the existing provisions in the penal law for alternative sentences to short-term imprisonment should be fully explained to the Junior Magistrates. Imposition of fines, release on probation,

under the Probation of offenders Act, release under section 360 (old 545) Cr. P. C., and release after due admonition; may be resorted to more frequently. Sentences of less than six months should be very rarely imposed.

One of the points which this seminar may consider is whether an amendment may be made to the IPC so as to lay down the principles of punishment.

This question was discussed by the Central Law Commission during 1968 to 1971. But no decision was taken. It is true that there are several decisions of the High Courts and Supreme Courts dealing with the principles of punishments. But they are not available in a convenient form for the benefit of trying Magistrates especially in mofussil areas. I may give below the relevant extract from the draft German Penal Code 1962.

In fixing a punishment the court shall weigh against each other such circumstances, other than definitional elements, as speak for and against the perpetrator. Especially there shall be considered :

the motives and aims of the perpetrator, the state of mind which the act be-speaks and the exercise of volition involved, the extent of breach of duty, the manner of perpetration and wrongful effects of the act, the prior life of the perpetrator, his personal and economic circumstances, as well as his conduct after the act, especially his endeavour to make restitution".

In Argentinian Penal Code also Articles 40 and 41 which are relevant on the subject may be quoted :

"40. In the case of punishments divisible as to time and amount, the Court shall determine the sentence in accordance with

the mitigating and aggravating circumstances of each particular case, under the provisions of the next following article.

"41. To effectuate the preceding article, the following shall be taken into consideration :

(1) The nature of the deed and the means employed in its commission, as well as the extent of the damage and danger created thereby.

(2) The age, education, habits and previous conduct of the individual, the nature of the motives which lead him to commit the crime, especially his poverty or his difficulty to obtain the necessary sustenance for himself and his family, the extent of his participation in the deed, his criminal and his personal record, as well as his personal relations, i.e. the character of the persons and the circumstances of time, place, occasion and others, which may indicate his greater or lesser dangerousness.

The judge shall take direct and visual cognizance of the subject, the victim and the factual circumstances to the extent necessary for each case".

You may also consider whether it will be useful to suggest an amendment to the Criminal Procedure Code, requiring every court passing a sentence of imprisonment for less than six months, to give reasons for such sentence.

I am sorry, I have taken so much of your time though my function on an occasion like this is mainly introductory. If, in my speech, I have made any comment even indirectly on judicial administration, I would request the Honourable Chief Justice and the judicial officers not to take it as a criticism. I may, in this connection, quote the well known phrase in Valmiki's Ramayana.

स्मारये त्वाम् न शिक्षये ॥

(I am only refreshing your memory and not trying to instruct you.)

ஸ்பெஷல் தந்தாரி (பஞ்சாபி) உணவு  
வகைகள், தரமிக்க வகைஉணவு  
களுக்கும், அறுகவையுடன் கூடிய  
சைவ உணவுகளுக்கும், பல  
வகை சிற்றுண்டிகளுக்கும்,  
மணமுள்ள காபி, தேவீர்க்கும்  
நகரிலே சிறந்த இடம்

## ஹோட்டல் கணேஷ்

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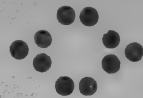
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# **Rehabilitation of Criminals and Justice to Victims of Crime.\***

**Dr. N. R. Madhava Menon,  
Principal, Government Law College, Pondicherry.**

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A continuing dilemma in the administration of criminal justice is in regard to the judicious balancing of the nature of disposition of the criminal on the one hand and the needs of justice to the victim and the community on the other. For a long time, English system of criminal justice appears to have emphasised only on adequate punishment to the criminal on the basis of the retributive and deterrent principles.

Several legal systems of ancient communities including that of Hindus and Muslims did give due regard to the reformatory element in punishment. Expiation was a recognized form of punishment. Compensation to victims of crime was provided for in several cases. 'Blood Money' was a civilized alternative to corporal punishment and execution.

It was not until the beginning of nineteenth century when imprisonment became a legitimate substitute for execution, banishment, solitude and torture that ideas of rehabilitation and treatment were seriously offered and experimented. Imprisonment was conceived primarily as a means of punishing offenders and preventing them from escaping, committing new crimes or causing harm to others. With increased incidence of recidivism, imprisonment proved to be not an effective deterrent to criminality. In fact, there is some empirical evidence to show that reversion to criminality has been due to the adverse conditions that exist in many prisons.

## **Why Rehabilitation ?**

The history of corrections, as we now know it, can be interpreted as a series of attempts to change the offenders on the basis of contemporary perception of the causes of crime. The utilitarians felt incarceration as a satisfactory punishment for rehabilitating the criminal if administered according to the 'hedonistic calculus'. However, it was soon realised that it was impractical and uneconomic to build institutions endlessly and increase the prison population unless the prisoner was cured of his propensity to crime and rehabilitated during his incarceration.

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\* Draft discussion paper. Not for publication.

## **What is Rehabilitation ?**

Rehabilitation in the correctional sense is an adjustment of the offender to normal social life. Penology assumes that punishments have a rehabilitative effect on the offender by keeping him away from committing new crime. What type of punishment has the maximum rehabilitative potential is a controversial point. According to some evidence, more than 50 % of prisoners return to the prisons after release for commission of new crimes. Prison statistics do indicate that a small percentage of prisoners get rehabilitated by their prison term and lead a law-abiding life. We do not know what has lead to his rehabilitation or what were the causes for his committing the crime before. In view of the limited knowledge available in this regard, criminologists everywhere are experimenting with institutional and non-institutional methods of treatment in order to evolve a satisfactory system of correction and rehabilitation. It is hoped that some day we may be able to devise programmes to rehabilitate criminals. That day will come when we know what made them criminals in the first place.

## **Do Prisons Rehabilitate ?**

The Indian prison system which has a total of little over 1200 jails of different sizes and compositions handles about one million inmates annually of whom 50 % are undertrials. The daily average population of prisons in India is about 2 lakhs of whom 5 % are women. On an average nearly 4 lakh convicts get released on expiry of sentence and nearly 20 % under remission system. The total expenditure on maintaining the prison system in India is estimated at 30 million rupees. With the present increase in the rate of crime and the trends in convictions, the system will in future, unless policies are radically changed, have to face extreme pressures making correctional prospects remote and uncertain.

Prison today is the core of the penal system and imprisonment remains the major sanction of our criminal law. Transportation and whipping having been abolished, execution limited to very few cases and fines becoming ineffective due to poverty, the system of imprisonment absorbs almost two-thirds of all convicted offenders. Other correctional institutions including juvenile institutions take the bulk of the remaining one-third of the juvenile and adult convicts. We have no clear estimate as to how many people including psychiatrists, trained social workers, medical personnel, and similar experts are employed in this correctional establishment. We presume that two-third of the total expenditure on prisons and corrections is spent to feed, clothe, and guard the criminals. Only a small fraction of the prison population are really exposed to any kind of correctional treatment or rehabilitative services other than restraint.

Many reports on prison conditions including the latest Ismail Commission on Tamilnadu jails speak of the degrading, inhuman environment in prison which militate against any possible reformation. In the absence of any strong evidence in favour of the success of rehabilitative programmes in prison, it is not possible at all to argue that

imprisonment even in improved conditions can correct and rehabilitate. The demands of prison discipline and the unnatural atmosphere in prisons are incompatible with rehabilitation in any real sense. The element of coercion in prison life leads to alienation from authority and strained relations with staff which in turn makes it difficult for him to accept the rehabilitative goals set by the prison staff. The prison staff are naturally more concerned with immediate problems of order and peace rather than prospects of future reform of inmates. The inmates in turn involve themselves in rehabilitative programmes not so much with the motivation of achieving self improvement or a better future career, but only to get an early release. In other words, available empirical knowledge indicate that correctional rehabilitation is not possible in conditions of custody or captivity.

Nevertheless, society needs prisons which makes it necessary to give it a new image and some promise of rehabilitation at least in some cases. "To rehabilitate is a noble calling; to lock and unlock cages had never been highly regarded". Whether modern correctional programmes in prison including remedial education and vocational training, psychiatric counselling and social case work, religious lessons and medical treatment help to rehabilitate or not, they certainly make prisons more presentable and less oppressive. Rehabilitation in prison today is an impossible dream. The truth is that prison is just a place to keep dangerous people locked up and protect society; it can perhaps be nothing more. It is far too much to ask the prisons to rehabilitate the men sent there.

#### **Issues in the Development of a Rehabilitative Penal Policy :—**

1. We need a clear, broad-based, workable correctional policy stating the national attitudes and approaches towards crime and criminals. We have to decide whether our criminal justice system should be oriented towards punishment or rehabilitation. Is it not desirable to have a policy statement in this regard by the Government of India and to incorporate it in the form of a Directive Principle of State Policy in the Constitution itself.

2. Once a national correctional policy is evolved, it will be appropriate to strengthen the correctional and rehabilitative programmes as alternatives to imprisonment. A far more strengthened probation service and scientifically evolved programmes of community-based treatment services are to form the foundation of our new policy.

3. Sentencing policies and practices will have to be suitably changed to promote correction and rehabilitation as the primary focus of criminal justice. Retribution and deterrence will have to be consciously abandoned. A prison sentence should be imposed only when no alternative punishment is reasonably appropriate. Even in those cases where court decides on imposing a prison sentence it shall not be less than a year; in other words if the Court does not think the crime or the criminal merit or require a prison sentence of at least a year's duration then punishment other than imprisonment should be imposed. Perhaps we need clear legislative guidelines in the matter of sentencing possibly through a Sentencing Act. Improved pre-sentence reporting must necessarily inform and guide the disposition of criminals.



4. There is need for public education of the changed perspectives and priorities in criminal policies. Educational institutions and mass media should strive to instil in public mind the Gandhian philosophy of "Hate the crime; not the criminal" and the scientific knowledge on deviant behaviour and social defense. A shared body of knowledge and skills is necessary for effective social defence.

5. For the proper and effective implementation of a policy, there ought to be maximum co-ordination among the various institutions implementing programmes, financing the schemes, planning specialized services and training of personnel. This is the most neglected aspect of criminal justice administration today. We take up prison reform or police reform or judicial reform and introduce ad-hoc changes without a comprehensive analysis of the total impact of the changes proposed or introduced. We need a system-oriented approach to the problem of crime and system analysis in criminal justice may bring out the weaknesses and pitfalls in our institutions and procedures.

6. Success of rehabilitation or social defence is largely dependent on the machinery of justice which unfortunately has not undergone the desirable changes for experimenting with or implementing new policies and programmes. Even the very adversary system we follow is far from correction-oriented in its approaches and methods. Improvements are necessary not only in the disposition of criminals but also in the fact-finding processes to achieve correctional goals. Diversionary processes do not solve the problem as many of them jeopardize the constitutional and legal rights of the accused and fall short of minimum standards of fair trial.

7. We need specialized diagnostic and treatment services particularly for the mentally ill persons involved in criminal justice.

8. Open institution play an increasingly important role in the prison systems all over the world. In the beginning the emphasis was on the younger offenders and on prisoners at the end of their prison terms. Prison walls and cells increase social violation of prisons and impede re-education towards social conformity.

Even in prisons, we can minimise the social isolation of prison through furloughs to find employment, halfway hostels, home leave, working out, day leave and creation of a therapeutic community inside the prison. We must, in our own interests, preserve and nourish his family and community relationships.

It will be years before we will be experimenting with the "full wages prison" in this country; but the logic behind it is compelling and it is only a question of time. Swedish work programme is a model where the penal administration slogan is: "First build a factory, then add a prison to it".

## **Victims of Crime: Problems and Perspectives:**

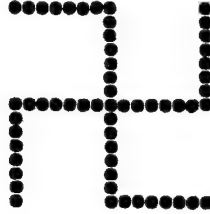
Criminal justice has all along been concerned with the criminal or his criminal act and has neglected the victim both as a promoter of criminality and as a sufferer of the criminal injury. Of late, some criminologists have studied the role and status of victims of crime in relation to criminality and criminal justice. The foundation for a separate discipline of "Victimology" is being built through empirical studies and socio-legal reform proposals.

The term "victim" is a vague expression in criminal science. In one sense the criminal also is a victim of his circumstances. Again there are crimes in which the offender and the victim are indistinguishable. They are usually referred to as victimless crimes. Furthermore when we know that in many cases the so-called victim too has a share in the commission of the crime, it is difficult to say categorically who is the offender and who is the victim. Then again, according to the view of "conflict criminologists" criminal law is a political activity in which the "labelling process" is conveniently used according to the wishes of the powers that be! In view of this theoretical and ideological confusion there is some justification for the neglect of the so-called victim in criminal justice administration. However, in recent times there is evidence of a humanitarian concern towards victims particularly when they happen to be poor and the injuries they suffered are of violent personal nature. Many countries have evolved victim compensation schemes and have attempted to integrate them with criminal justice thereby balancing the rehabilitative emphasis of modern penology with justice to victims of crime. England, New Zealand, West Germany and many States in America have Criminal Injuries Compensation Schemes on a statutory basis whereby all criminal courts are given powers to make compensation orders for victims both in respect of personal injuries as well as property damage. Some systems give this power to courts even when there is no criminal conviction of the offender.

In India Section 357 of the Criminal Procedure Code provides for order to pay compensation. Unfortunately, this is seldom invoked by criminal courts and they conveniently leave the victim to seek civil remedies by way of compensation. The section allows compensation order to be passed only when the accused is convicted and sentenced. Further under section 357 (i), compensation could be ordered only if the accused is punished with a sentence of fine or with some other sentence of which fine formed a part; and secondly, it could be paid out of the amount of fine recovered. It is therefore, restrictive in scope either as compensation to victim or as correction to offender.

In any future criminal policy problems of victims and their role in social defense have to be seriously taken note of, if criminal justice is to have its credibility and effectiveness. Besides associating them in prosecution and trial of offences, victims can be involved in rehabilitative and correctional programmes. Certain types of punishments like "corrective labour" now proposed under the revised Penal Code have rehabilitative scope while meeting justice to victims. Rehabilitative ideal will also be served by apportioning the guilt between offender and victim rather than in trying to find it entirely on one side.

நன்னடத்தை அலுவலர்களுக்கு நல் வாழ்த்துக்கள்



சேலத்தில் உங்கள் மழலைச்செல்வங்கள் கல்வி பெறச் சிறந்த பள்ளி  
'மாயூரப்பிரியா நர்ஸரி வித்யாலயம்'

P. V. தாமோதரன்

கரஸ்பாண்டென்ட் : மாயூரப்பிரியா நர்ஸரி வித்யாலயம்

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# Law, Justice and Rehabilitation

A. MURUGESAN, I.P.S.,

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Law is not static. It is evolving and is different at different times and at different places. Social behaviour and values are changing from day to day. Naturally, the laws and the punishment meted out for violating them change from time to time and place. It depends upon the social awakening to the changing concept of treating the offenders to protect themselves while protecting the society. During the last century the West has set the standard and expounded and spread the success of the theory of reformation and rehabilitation to India. The development of the science of Psychology and Psychiatry has convinced the peoples of the world to resort more and more to the Salutory principle of treating the offenders as mentally diseased persons just as persons with physical ailments are treated in hospitals. Mahatma Gandhiji advocated it. Today it is generally agreed that even offenders have a right to be free from the fear of offensive bodily contact and to be free from actual physical contact except when the police and prison officials act and use force for the limited purpose. The police, while arresting a person can use only that much of force to take him to custody when resisted. The prison officials have a similar privilege to use force in self-defence of themselves or third persons or to enforce prison rules and regulations or to prevent escapes or to quell riots and finally to prevent crime. The prisoners have a right of

moving High Court under Art 226 of the constitution of India for the issue of writ of mandamus directing the prison officials to follow rules if rules are not followed and they can also move the civil or criminal courts for appropriate action against erring staff.

2. From early days, punishment has been imposed on wrong doers and various theories have been propounded justifying and explaining such punishments by jurists and moralists. The old Roman axiom was "without law there is no crime". Punishments were inflicted to fit the crime—just an eye for an eye and tooth for a tooth, neither more or less. This theory of retributive punishment was felt to be uncivilised and it generally yielded to and was replaced by the theory of deterrent punishment. We have been progressing steadily in social understanding of the manner in which criminals should be dealt with and we no longer think of punishment as the society's punitive act of retribution.

3. There were grades of punishment. The severity of punishment depended on the gravity of the offence. Consequently the severity of the punishment was decided by the nature and effect of the offence committed by the offender. The greater the offence, the greater was the punishment that was imposed on the offender.

4. It was realised in due course that the offence committed by the criminal should not be determined solely from the nature and the effect of crime. The psychology of the criminal, his environment, his upbringing, his age and sex, circumstances in which the offence was committed and the redeemable features should be taken into consideration in awarding the just punishment. This individualisation of punishment is accepted now-a-days throughout the world in tune with the principle that the punishment should fit the offender rather than the offence. Further, it recognised the need for giving the offender an opportunity, to reform and rehabilitate himself as a useful and law-abiding citizen in gainful employment. *Deterrent punishment may harden the criminal and he will develop a general hatred towards and contempt of society. He will, in course of time, become a recidivist. The deterrent value of punishment is recognised. But it is also accepted that it is reformation and correction of the offender and his social and vocational rehabilitation that gives lasting solution to the problem of crime prevention and protection of society. Men are to be judged by the complex qualities which go to make up a human being (viz) his physical, mental, intellectual, emotional and religious condition. J. C. Gillin said that in considering how to deal with crime and criminals, it is necessary to take into account human nature, the motives, interest and habits of people, the customs which have grown up in society and social machinery. The responsibility for a crime is no longer considered to be solely with the criminal.*

5. The well being of society is recognised as a main consideration. A crime harms and

hurts the society and it is an attack on its orderly existence. How are criminals made and how far we prevent a person from degenerating into a violator of law and a canker on society is a problem that requires anxious thought and demands an immediate solution. Causes for anti-social tendencies are sought in social maladjustments and unhealthy environment and other psychological upsets. The idea of correction and rehabilitation of the criminal who should be treated as an erring brother, more often sinned against than sinning himself, has been recognised by all modern administrations.

#### **Criminal justice in Ancient India :**

6. Manu said "Justice being violated, destroys; Justice being preserved, preserves; therefore justice must not be violated lest violated justice destroy us". This was the Hindu ideal of justice. Law was tempered with justice:

Sukraniti lays down that "through fear of punishment meted out by the King, each man gets into the habits of following his own dharma or duty. It stressed the preventive aspect of punishment and condemned severity of punishment as it estranged the subjects from the king".

7. Manu says "Punishment alone governs all created being, punishment alone protects them, punishment watches over them while they sleep; the wise declare punishment to be indetical with the law. If punishment is properly inflicted after due consideration, it makes all people happy but inflicted without consideration, it destroys everything".

8. Punishment was of four kinds (i.e.) moral disapprobation, oral chastisement or severe reproof fines and corporal punishment. The ordinary judges could inflict only the first two and the king alone, according to Sukraniti, could fine or inflict corporal punishment. Even the King, according to Manu, has to observe the following directions. Manu said "Let him (the King) punish first by gentle admonition, afterwards by harsh reproof, thirdly by a fine, after that by corporal chastisement. But when he cannot restrain such offenders even by corporal punishment then let him apply to them even all the four modes conjointly. Further punishment was to be inflicted in all cases in due proportion to the nature of the offence and after ascertaining the ability of the criminal to bear it. Thus the great responsibilities resting on a modern judge in fixing the punishment was not absent in those days. Again when one was convicted of his own confession, he should be subjected only to half of the punishment to which he was otherwise liable. The aim of ancient Hindu law was the destruction of the criminal instinct and impulses and it recognized the value of repentance in a direct and straight forward manner unfamiliar to the modern world. Of course such repentance is taken as a positive factor now-a-days to apply probation in suitable and deserving cases. Besides these rules, there existed a very carefully graduated scale of punishment, beginning with moral disapprobation and leading to death in the worst cases. According to Sukraniti the severer forms of punishment were starvation, imprisonment, whipping, expulsion from the State, marking on the body, shaving of half portions, causing the accused to ride ignoble animals (e.g. asses) mutilation and execution. But it

lays more stress on the fear engendered by the possibility of punishment than on the actual punishment itself. It condemned severity of punishment and felt that mild punishments discreetly administered to be more efficacious.

9. Kautilya says "whoever imposes severe punishment becomes repulsive to the people; while he who awards mild punishment as deserved becomes respectable. For punishment when awarded with due consideration, makes people devoted to right-cousness and to works productive of wealth and enjoyment, while punishment ill awarded under the influence of greed and anger or owing to ignorance excites fury even among hermits and ascetics dwelling in forests not to speak of householders". As to what is well awarded or ill awarded punishment, differs in different times and countries.

10. Further according to it mercy is extolled as higher than punishment and severity is authorised only in the case of habitual offenders. We will be surprised that the modern reformatory theory of punishment was given great importance by it. Accordingly probation of first offenders especially if they happen to be people who are ordinarily virtuous was considered the best way of dealing with offenders. Even in the case of offenders committing the worst offences other than intentional murder, capital punishment was not allowed. Thus the elements of reformatory punishment were present in Ancient Hindu laws and though severe corporal punishments were mentioned the kings were restrained by various salutary rules.

The East India company administered the Muhammadan Criminal law with such devia-



tions as were authorised by the Regulations of the British Government. Marquis Cornwallis changed the law prescribing amputation of legs and arms of mutilation and substituted temporary hard labour of fine and imprisonment according to the circumstances of the case. The sentence of burning was authorised by a statute of 1603 which continued in force till 1736.

11. Let us examine the punishments inflicted in other countries.

12. The code of the Hammurabi provided "If a man struck his father, one shall cut off his hands". In England in the tenth and eleventh centuries, during the time of the Saxon and Norman kings criminals were mutilated in various ways, blinded, branded, amputated of feet and hands and let crawl about the country as a warning to others, showing the fate of the criminals. In Tudor times boiling alive was the punishment for prisoners and burning at stake, the penalty paid by traitors, by a wife who killed her husband and by a servant who killed his master, or mistress. Such an atrocious system of law was not repealed until 1790. Even on 18.1.1801 as reported in the 'Times' a luckless urchin who was aged only thirteen years and who had broken into a house and carried off a spoon was sentenced to Death. As late as 1789 the English law recognised over two hundred capital crimes. But towards the end of the last century, the West has become a trend setter in the acceptance and following of reformatory ideas in dealing with offenders in society as well as in prisons.

13. Severity in punishment does not achieve the object of punishment as the offender who

has been tormented or mutilated became embittered against society. It may be noted that fear on which the principle of severity wholly relies is a master motive only with the weak. What are to be the methods that society must adopt to protect itself from the attacks of the adventurous, irresponsible, victims of desire who to a large extent make up the criminal class. Prevention is better than cure. Preventing the formation of danger spots which breed criminals is the best. In spite of the best efforts of society, crimes are committed, the punishment must be proportioned to meet each individual criminal, the interests of the society being the main consideration.

14. The Indian code of criminal Procedure of 1898 was modified in 1923 by the substitution of a new section 562 as a result of the report of the Indian Jails Committee, 1919-20 which provided for the release of offenders on "Probation of good conduct" without making provision for supervision and also for preliminary enquiry by a Probation Officer. The application was restricted to first offenders as well as to the nature of offence and liberal provision was made for women and minors. On the other hand probationary supervision was introduced in Tamil Nadu in 1920 under the Madras Children Act 1920. The passing of the Madras Probation of Offenders Act 1936 however provided for preliminary enquiry and supervision of offenders by a Probation Officer. Though the stigma of conviction was not there and a provision, removing the disqualification attaching to conviction was made, it still was restricted to first offenders with liberal provisions for

women and minors, and supervision was restricted to persons below 24 years of age. The Probation of Offenders Act 1958 has removed such discrimination based on sex and age and has provided for the probationary release and supervision of offenders in a very liberal way. However the provisions of the Act cannot and should not be applied to persons who resort to excessive violence towards helpless persons, women and children and who are a menace to society (viz) food adulterators or smugglers or bootleggers etc. Now there are 96 Probation Officers assisting probationers and rehabilitating them in family and society. When the court felt in the case of juvenile or adolescent offenders that institutional correctional treatment was necessary, it committed them to Approved Schools or Borstal School respectively. Such of the adolescent offenders who are sentenced to imprisonment are transferred to "Adolescent Centre" functioning in the Borstal School. Women offenders are separately confined in State Prison for Women, Vellore. In prisons also various reforms were introduced and the prisoners' care, welfare and treatment assumed importance. They were given liberal facilities to maintain and develop contacts with families, given incentives like gratuity, wages and premature release remission to bring about discipline and good work by prisoners. The most important Prison Reform is the appointment of Welfare Officers, Social Workers and Psychologists in Prisons to help them get over and give up their anti-social tendencies and behaviour and get rehabilitated. In Central Prisons in Tamil nadu moral and religious lectures are delivered. Yogasana training is given to prisoners to change their attitudes in Central Prison, Madras. Sports and games help the prisoners

to develop democratic leadership and healthy competition. In fact during this year at Central Prison, Coimbatore Inter Prisoners Sports was held with 100 prisoners from various Central Prisons. This has provided a unique opportunity to prove their trustworthiness and to open the eyes of the Public and make them feel the need for helping them on release to get vocationally rehabilitated. Parole and After Care has been accepted as the best schemes to resettle discharged prisoners.

15. The Probation Officers, Social Workers, Welfare Officers in their own ways try their best to make the offenders eschew anti-social tendencies and lead a normal life. The family of the prisoner is prepared sufficiently early before his release to accept and help him to get over the complex problems that he will be having. It is now under consideration that all women offenders sentenced to over one month of imprisonment and adolescent offenders aged 25 years and below sentenced to imprisonment for three months and above should be supervised and helped by Probation Officers to resettle in life and society. In the case of adult male offenders it is under consideration that prisoners sentenced to one year and above should be supervised and helped by Probation Officers. Liberal provisions for leave and parole with the involvement of Probation Officers help to a great extent in their rehabilitation. After care work of ex-pupils of Approved Schools and ex-inmates of Probation hostels by Probation Officers help to a great extent in reforming and resettling them as honest and law-abiding citizens. The Government is readily accepting and introducing schemes which are intended to reform and rehabilitate offenders.

# TAMIL NADU PROBATION AND CORRECTIONAL ASSOCIATION

*Key-note address presented at the Seminar held at  
SALEM on 30th July, 1978*

BY

THIRU S. M. DIAZ, I.P.S., (Rtd.),  
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## **“Short-Term Sentences-Utility and Alternatives”**

### **1. What is short-term imprisonment?**

The phrase, ‘short-term’ imprisonment has a relative connotation. In different countries it has come to mean different things at different times. For instance, in the early days, the the British and Wales Prisons Committee regarded short-term imprisonment as a sentence which is less than 4 years inclusive of remissions. In the U.S. it was considered as a sentence up to one year. But in India it has become the practice to consider any imprisonment upto 6 months as short-term sentence. In fact we have frequently come across sentences of 10 to 15 days also, not to speak of the very popular sentence of three months imprisonment. In actual practice, however, there is not much difference between the American and the Indian position as punishments between 6 months and 12 months are very rare except on computation of cumulative sentence or as a result of set-off.

### **2. Circumstances of such award in India**

Unfortunately, in India, public and even government have come to consider that the individual victim's expectations and the norms

of society will not be satisfied unless some quantum of imprisonment is given. In fact, under the Tamil Nadu Prohibition Act, it is being adopted as a practice by most magistrates to award 3 months minimum imprisonment, as they consider that longer imprisonment is not warranted for offences of consumption of liquor and release on probation or other in-community treatment might not serve the purpose, in the existing atmosphere, and might also go to strengthen the hands of the bootleggers. Some very short sentences are given too, for offences like ticketless-travelling, etc.

### **3. Harmful effects of short-term imprisonment**

Short-term imprisonment of the type, that we have discussed above, has no therapeutic or rehabilitative value at all, according to the Report (1973) of the All India Working Group on Prisons in the country, of which I was also signatory. On the other hand, it leads to enormous over-crowding of the prison, possible contamination and interferes with the corrective and rehabilitative treatment that should legitimately be given to others, the long-termers, who need it. Further, it brings in distress

and economic hardship to the family and dependents of the offender. With some planning, it should certainly be possible to devise "in-community" treatment of different types, which would be more effective in bringing about the desired objectives of punishment, while getting rid of the evil effects of "blind incarceration for a short period within the four walls of prison", to satisfy administrative blind-spots and placate popular sentiments.

#### 4. Over-Crowding and Heterogeneity in the Institution :

Over-crowding in most of our central prisons is due to the admission of remand and under-trial prisoners as well as short-termers. The presence of these two categories of prisoners in the central prison, resulting in over-crowding and heterogeneous population, militates against the shaping of the prison community, including both the sectors of staff and prisoners, as an effective instrument of treatment, not to speak of the adverse effect it has on the custodial needs too. On the 4th February 1976, the Ismail Commission found the population of the Madras Central Prison to be 4,455 against a sanctioned strength of 1,457, which itself was considerably higher than the 1,150 warranted on the basis of serviceable accommodation. This was evidently an exceptional over-crowding resulting from MISA and other agitational arrests at that time. On a normal day the population of the Central Prison at Madras is 2,800, which again is double the sanctioned strength. On a rough analysis, two-fifths of these will be remand and under-trials, another two-fifths will be short-termers including those coming for imprisonment in lieu of fine, while the remaining one-fifth alone are long-termers, only for whom

the prison can really be considered as a correctional centre. Under these circumstances, the two initial steps that prison reformers have to take are the segregation of remand and under-trials in separate custodial institutions in the District Headquarters and planned dispersal of short-termers for in-community treatment, to the extent possible. Till then, the problem will continue. Keeping short-termers in prison is, therefore, a serious adverse factor that interferes with the effective 'treatment' of long-term prisoners, who need and will benefit by such treatment.

#### 5. Adverse effects on the Individual :

The objective of the punishment of imprisonment is correction, rehabilitation and resocialisation, as far as the individual is concerned. By sending a short-termers to an already over-crowded prison house we are only making the situation worse for the institution and impossible for the individual. Nothing worthwhile by way of therapeutic or rehabilitative treatment can be done for him within the short-period he is in prison. Psychologists Norwood and Hubert, have after careful studies, categorically stated that no effective treatment of any description could be initiated and completed within a prison term of six months. Work therapy and group therapy cannot have their planned effect. The only psychological impact such imprisonment has on these people is adverse, resulting from psychological frustration and possible contamination. What then of the shorter terms of imprisonment in vogue in our country? The only purpose they serve is in providing prison services at no cost. Those imprisoned for short-terms in default of fine do not even serve that purpose. What really happens is that, in

trying to do something for these short-termers, the meagre prison staff are overstretched and distracted from their main-duty of looking after the proper treatment of the long-termers.

#### 6. Ill effects on society :

Further the impressionable young offenders who are put in prison for some simple crime or the other for a short-term also run the risk of total contamination by habituals and confirmed criminals. The arrest of such a young offender in Ooty, in the context of the incidence of a large number of burglaries in that otherwise peaceful town some years ago, led to the discovery of a conspiracy hatched in Salem Central Prison under the tutelage of a professional. Such contamination of casual offenders by professional criminals is not at all rare. Even with all the care taken for diversification of institutions, either during remand and under-trial period or during some very short-sentences, this adverse inter-action does take place. Thus short-term imprisonment, instead of achieving the purpose of preventing crime by reforming and resocialising the casual offender, confirms him in his nefarious trade and promotes crime, thus affecting the security of society. Therefore, short-term imprisonment could be legitimately said to have no therapeutic or rehabilitative utility at all. On the contrary, it has only adverse effects all-round.

#### 7. In-community treatment-the solution :

The solution to the problem of short-term sentences lies in adopting systematically the various alternatives to it, based on the concept of in-community treatment. The oldest and most effectively tried alternative among these is probation. In the U.K. they have realised this fact very-well indeed. The prison statistics

of U.K. show that in the year 1960, there were 12,000 prisoners undergoing prison sentences of less than 3 months. Ten years later, in 1970, the corresponding number was only 1,200 recording a fall of 90%. This was accounted for, more or less solely, by the discriminating use of probation with or without supervision. In India too, during the recent years, when probation has been increasingly in use, particularly in Tamil Nadu, it has been found that probation has been an exceedingly purposeful and effective alternative to short-term imprisonment. The system should, therefore, be extended and consolidated in all States and the probation services strengthened. It is true that we have not yet had an authoritative study in this field, as U.K. has done. In the latter country, the Cambridge Report on Probation, based on a study of over 9,000 offenders on Probation in London and Middlesex in indictable offences, found that 73.8% of adults and 62.4% of Juveniles had made good. A similar study in India is long overdue. As soon as the Department of Criminology is properly organised in University of Madras, this shall be one of our earliest Research efforts. All the same, it is generally accepted that probation has helped a large number of offenders to reform and resocialise themselves and that, therefore, the method should be widely and systematically utilised. The Indian Penal Code Bill 1972 says in its statement of objects and reasons that "Provision should be made for punishments intermediate between fine and imprisonment to avoid, at least to some extent, the contamination of a casual unsophisticated offender by a hardened criminal in the Jail". The new Criminal Procedure Code has, therefore, provided that where any person is convicted of an offence, for which

the punishment prescribed is upto one year, and is sentenced to imprisonment upto 3 months, the court shall record its reasons in writing for such sentence. It is hoped that these reasons and provisions will have, in due course, the salutary effect of controlling short-term imprisonment and promoting probation.

#### 8. Other alternatives :

The other alternatives to short-term imprisonment are compensation to victims of crime and systems of fine linked with such compensation. The Swedish Day Fine System is one of the best known of such linkages. In this system the magistrate decides the time-span of the sentence, which is related to the gravity and nature of the offence. He also determines the amount of fine which is related to the income of the offender, his assets and the number of his dependents. The Magistrate then decides what amount per day the fined-person can raise, short of becoming financially distressed and so punishing his family. At the same time, care is taken to ensure that the fine represents enough of the offender's daily earnings to make it necessary for him to practise the strictest economy. This system, therefore, tends to provide equal treatment for the rich and the poor and, as such, may be successfully tried in our country. The provision of work in a specially laid-out work centre could be linked to this system, where necessary and appropriate.

The All India Jail Manual Committee (1957-59) had recommended the placement of offenders in compulsory work centres in lieu of imprisonment up to three months. Such corrective work should be preferably organised in conjunction with national projects, away from prisons, so that it may give these persons a measure of pride in some constructive work

done towards the nation's progress and so that it may not expose these casual offenders to the asocial influence of hardened criminals in the regular prisons. Another advantage, incidentally, is that the lenient treatment given to such people in work centres, may not also affect the security arrangements of the regular prison, as it might very well happen if such novel practices were introduced in the prison itself. During the period of their sojourn in work centres it is best that they stay in open camps or hostels.

Imprisonment in lieu of fine could also take the shape of work in these centres. The idea of week-end detention centres is also similar, but that enables the prisoner to work on his own job during the week and so avoids a stigma on him, among the community of his fellow-workers as well as the local population. Where probationers are unable to get work outside they may be required to work in such work centres and may be paid fully for it, while in respect of those who are detained in the centre the cost of up-keep will naturally be deducted in the same manner as it would be done in all wage-earning systems in prisons.

Apart from these, the new IPC bill also envisages externment and public censure, in addition to the old but nonetheless effective punishment of admonition. Where the home environment is good, for young offenders, there is nothing better than an admonition and restoration to the care of parents. Only where this circumstance does not exist institutionalisation of children and young offenders should be thought of. Externment has been proposed in the bill for offences against the public tranquillity or any other offence causing or likely to cause a breach of the peace. The idea is that, by removing himself from his wonted

haunts, the offender will be off his moorings and away from his bad associations and the connected vested interests, which control and direct his activities, and so become relatively ineffective. The punishment of Public Censure has been devised as appropriate for certain types of anti-social offences, such as extortion, cheating and other white collar crimes. Naturally such proceedings should also be suitably publicised in order to achieve the intended effect.

#### **9. The treatment of residual short-termers in prison :**

Even after taking all these efforts in a concerted manner to promote meaningful in-community treatment to replace short-term imprisonment, for certain categories of offences and offenders, there will still be some cases of unavoidable short-term imprisonment of three months and over. We have, therefore, to be realistic and think of a purposeful way of treating these offenders in such manner that they are better when they get out of the prisons than when they entered it and are in some way fitter to look after themselves in society without indulging in criminal activities. The first thing to do is provide a separate prison-house or prison-wing for such offenders in order to make sure that there is no opportunity for contamination from the hardened criminals. Perhaps, when the remand and undertrial prisoners are removed to a separate institution as envisaged, the remand prisoners' camp vacated by them could be utilised to house these residual short-termers. The next thing is to ensure that all the essential features of the treatment services are made available to them, such as classification service

for effective diagnosis and meaningful treatment as well as special medical and psychological treatment where necessary. Psychological counselling and group therapy where appropriate as well as work training and group therapy where appropriate as well as work training and suitable work to build up rehabilitation potential, to the extent possible, will help to make the best out of a bad bargain. The U.N. Standard Minimum Rules, adopted at the first U.N. Congress on Prevention of Crime and Treatment of offenders at Geneva in 1955, states :

“The purpose and justification of a sentence of imprisonment or a similar measure deprivative of liberty is ultimately to protect society against crime. This end can be achieved only if the period of imprisonment is used to ensure that, as far as possible, upon his return to society, the offender is not only willing but able to lead a law-abiding and self-supporting life”.

Such a purpose can be attained only by adapting the best possible and most effective treatment, covering training and therapy, within the limitations of short-term imprisonment, in the prison community with all its unavoidable rigours of custody. The old practice, of using short-termers only for prison services and otherwise leaving them to their own resource, should be firmly stopped. This will naturally mean more finance, buildings, equipment, rightly-oriented staff and all-round dedication. In the final analysis, all this points to the need for a vital change in thinking at the right places and prompt follow up action.

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## SHORT TERM SENTENCES—UTILITY AND ALTERNATIVES

G. RAMACHANDRAN,

*Deputy Inspector-General of Police, Central Bureau of Investigation, Madras.*

The police are, by virtue of their pervasive presence, in a specially vantage position to clearly see collectively the failure of the criminal justice system as it obtains at present in our society. They know the number of crimes not followed by prosecutions of the offender, of the crimes committed on bail, of acquittals of those who are only too obviously not innocent. They experience the collective effect of the difference between the theory of criminal justice and its defects in practice. If the success of a system of criminal justice is to be measured by the proportion of its real criminals whom it convicts, our system should be regarded as a failure. Too many people who have in fact committed crimes escape punishment. When a criminal goes free, it is much a failure of abstract justice as when an innocent man is convicted. The best deterrent, to deliberate and therefore preventable crime is not the severity of punishment unlikely to be applied, but the probability of detection of being got followed by near certainty of the conviction of the guilty.

An aspect that should cause a serious concern among social penologists is the grotesque disparities that are revealed in the sentences imposed for some classes of offenders. I refer here particularly to the Economic Offenders.

The cost of such offences to the community as a whole is much more than the traditional crimes like dacoities, robberies and burglaries. In our country, people are yet to learn that all the dacoities, robberies and burglaries cost us much less than what "the white collar criminals" inflict on the community. An awareness that corruption should be combated squarely and its corroding influence completely eliminated, is also wanting.

I shall deal with "economic offences", as it is understood here, and I would prefer to limit myself to such of those forms of crimes commonly handled by the CBI. The opportunities for committing these crimes arise from violation of the Imports & Exports (Control) Act, the Customs Act, the Foreign Exchange Regulations Act, the Income Tax Act, the Companies Act, and committing large frauds in Corporations, attracting both the Indian Penal Code and the Companies Act, violation of the Food Adulteration Acts, Essential Commodities Act and last, but not the least, offending the Prevention of Corruption Act.

The urge to make a fast buck when opportunities open out very temptingly is high among persons not brought up in an environ-



ment that inculcates, *inter alia*, a willing acceptance to the laws of the country, particularly when conscience is a diminishing quantity. A developing economy presents avenues in a larger measure. The most disturbing aspect of this kind of offences is that those who should be doing most to stamp it out—the honourable businessmen and the decent professionals—are frequently the most silent, when it comes to exposing “white collar crimes”, or publicity condemning it. This silence on the part of the elite groups has made the rest of society look on the incidence of these offences with disgust and dismay, giving place to a dangerous complacency compounded with quantities of cynicism. That it is an evil which is not inevitable and should be put down and that it undermines the very basic foundations of our society, yields to the anodyne that every one does it, and so why not live with it.

It is agreed that the penal treatment should be tailored to the individual, apart from the nature of the crime itself committed by him. However, in the field of economic offences, there must be little doubt that harsh punishment will keep the potential offender on the path of virtue by fear. The legislature which has grasped this point has recently incorporated changes in the concepts of the criminal law and has given effect to it. One important step has been in increasing the maximum punishments to be given as adequate expression to the social disapproval of such crimes. The courts' rights of judicial discretion have been taken away in some cases to the reduced or nominal punishment or awarding monetary punishment. In some cases, the

burden of proof of innocence has been shifted to the accused. These are, by no means, comprehensive in dealing with criminal offences in posing a corporate treat to the community. The economic offender is not likely to reform, if his liability is limited to a fiscal penalty. Imprisonment for evading the economic laws of the country will be a salutary goal to many accustomed by reason of their wealth to regard such laws with complacency.

The men involved in economic offences are ingenuous, clever and shrewd and have large resources of money with which to thwart justice and to impede law enforcement agencies. We have numerous cases in the CBI, the trial of which have remained held up on account of interlocutory petitions. The fight with the economic offender is a long drawn one and the strategies he employs in courts by engaging leading lawyers have to be met with patience, energy and persistency. In the words of Justice V. R. Krishna Iyer in his address to the ‘Seminar on Current Trends in Criminology’ at Vigyan Bhavan, New Delhi, held on February, 1974:—

“Economic offences often are subtle murders practised on the community or sabotage of the national economy. They have to be tackled with a new seriousness. The peculiar difficulty in tackling this species of offenders arises from the fact that the criminal belongs mostly to the upper class and its often hidden by the official desks in public offices. The credibility gap on this area corrodes the common man's faith in the Rule of Law and calls for a crack-down on

hoarders, black marketeers, big bribe givers and takers among political and public official apart from plugging loopholes in the law. A few scape-goats will no longer donor melodramatic but vulgar handcuffing or parading in the streets. All this is hoodwinking and impotent as well as disingenuous as deterrents...Crime Control requires heroic surgery..."

In the light of the above discussion of "economic offences" we have to consider the desirability or otherwise of inflicting short term sentences upon the persons held guilty of economic offences. I have already made a passing reference earlier to the modern trend in criminology that penal treatment should be tailored to the individual (offender) apart from the nature of the crime itself committed by him. In this context, imposition of short term sentences of imprisonment on a individual held guilty of economic offences may be considered. In his *Arthashastra* Kautilya observes: "Even saints and ascetics will rise in revolt if punishments awarded are unjust, or if the innocent are punished. Unduly lenient punishments make it contemptible, while proper punishments make it respected" "Modern jurists are agreed that too long a term of imprisonment or too short a term are both bad. Imprisoning a person for a short periods of a week or two or a month or two has also been rightly regarded as degrading a man without reforming him. Imprisonment till the rising of the court has also been condemned on the same ground, though because certain sections of the Penal Code and other special enactments require a sentence of imprisonment without option to the Judge, this

form of punishment is resorted to some times by courts and winked upon by the superior courts from humanistic motives" (vide observations of Late Mr. Justice A. S. P. Aiyar in his presidential address at the Third All India Correctional Conference held on 27-12-1957 at Trivandrum—pages 8 and 9). This kind of judicial attitude in case of offenders found guilty of economic offences can only be characterized, with due respect of the judiciary, as misplaced sympathy. In the same address his lordship observed:

"It is obvious that education will require some appreciable time in a prison as in a school. That is why short term imprisonment will do no good and may do much harm. It is only during a fairly long term that the prisoner can be reformed physically, mentally or morally... From the moral view point also, not only incalculation of good moral principles take a long term, especially with criminals, but a short term will have another disadvantage, that only the stigma of the prison will stick to the man for life with his normal principles unreformed".

Our Supreme Court and High Courts generally discouraged the practice of trial courts releasing this type of offenders on probation of good conduct.

While dealing with case of bribery and corruption on the part of a public servant under the Prevention of Corruption Act, 1947, the Supreme Court has observed with particular reference to the minimum sentence of one year imprisonment provided under the said Act, as follows:—

"The sentence of imprisonment can be for a lesser period but in that event the court has to assign special reasons which must be recorded in writing. In considering the special reasons the judicial discretion of the court is as wide as the demand of the course of substantial justice. Now the question of sentence is always a difficult question, requiring as it does, proper adjustment and balancing of various considerations which weigh with a judicial mind in determining its appropriate quantum in a given case. The main purpose of the sentences broadly stated is that the accused must realise that he has committed one act which is not only harmful to the society of which he forms an integral part but is also harmful to his own future, both as an individual and as a member of the society. Punishment is designed to protect society by deterring potential offenders as also by preventing the guilty party by repeating the offence. It is also designed to reform the offender and reclaim him as a law-abiding citizen for the good of the society as a whole. Reformatory, deterrent and punitive aspects of punishment thus play their due part in judicial thinking while determining this question. In modern civilised societies, however, reformatory aspect is being given somewhat greater importance. Too lenient as well as well too harsh sentence both lose their efficaciousness. One does not deter and the other may frustrate thereby making the offender a hardened criminal"

(vide per Hon. Mr. Justice I.D. Dua—para 10 of the judgement in the judgement in the case of B.C. Goswami, Vs. Delhi Administration reported in 1974, Crl. L. J. 243=AIR. 1973, S. C. 1457.)

In a case under the Prevention of Adulteration Act, the Supreme Court had occasion to observe on the question of releasing an offender under the said Act on probation as follows:—

"Adulteration of food is a menace to public health. The prevention of Food Adulteration Act has been enacted with the aim of eradicating that anti-social evil and for ensuring purity in the articles of food. In view of the above object of the Act and the intention of the legislature as revealed by the fact that a minimum sentence of imprisonment for a period of six months and a fine of Rs. one thousand has been prescribed, the courts should not lightly resort to the provisions of the probation of offenders Act in the case of persons above 21 years of age, found guilty of offences under the prevention of Food Adulteration Act "....." Again in the words of the Supreme Court.

"The kindly application of the probation principle is negated by the imperatives of social defence and the improbabilities of moral proselytisation. No chances can be taken by society with a man whose anti-social operations, disguised as a respectable trade, imperil numerous innocents. He is a security risk. Secondly, these economic offences committed by white collar criminals are unlikely to be dissuaded by the gentle probationary process. Neither casual provocation nor motive against

particular persons but planned profit-making from members of consumers furnishes the incentive—not easily humanised by the therapeutic probationary measure. It is not without significance that the recent report (47th Report) of the Law Commission of India has recommended the exclusion of the Act to social and economic offences by suitable amendments. It observed:

“We appreciate that the suggested amendment would be in [apparent conflict with current trends in sentencing. But ultimately, the justification of all sentencing is the protection of society. There are occasions when one offender is so anti-social that his immediate and sometimes prolonged confinement is the best assurance of society's protection. The consideration of rehabilitation has to give way because of the paramount need for the protection of society. We are, therefore, recommending suitable amendment in all the Acts, to exclude probation in the above cases...In the current Indian conditions the probation movement has not yet attained sufficient strength to correct these intractables. May be, under more developed conditions a different approach may have to be made. For the present, we cannot accede to the invitation to let off the accused on probation”.

The final in every criminal trial is sentence. Let us take stock of the social and personal facts, the features of the crime and the culprit. The prevention of Food Adulteration Act, 1954, is meant to save society, and parliament has by repeated amendments emphasized the statutory determination to stamp out food

offences, by severe sentences. Indeed, dissatisfied with the indulgent exercise of judicial discretion, the legislature has deprived the court of its power to be lenient. In the light of escalating food adulteration, this is understandable. Even so, there are violations and violations,...” We are not mindful of the possibilities of village victuallers and tiny grocers being victimized by dubious enforcement officials which may exacerbate when punishments become harsher, and the marginal hardships caused by stern sentences on unsophisticated small dealers. Every course has its martyr and parliament and Government—not the court—must be disturbed over the search for solutions of these problems. Savage severity may not always prove effective and may be cruel on petty and marginal offences...” “In a country where consumerism as a movement has not developed, the common man is at the mercy of the vicious dealer. And when the primary necessities of life are sold with spurious admixtures for making profit, his only protection is the prevention of Food Adulteration Act and the court. If offenders can get away with it by payment of trivial fines, as in the present case, it brings the law into contempt and its enforcement a mockery. In this context, it is apposite to draw attention to measures taken in many advanced countries for the evolution of a rational and consistent policy of sentencing. Conferences between Judges, Magistrates & Penal administrators are being organized with increasing frequency in England and in the United States. The 47th Report of the Law Commission has stressed the need for the programme because of the sentencing vagaries witnessed in our country”.

" Indeed, the education of the sentencing Judge, particularly in the context of economic offences, is a yawning gap in our criminal system and the near-escape of the accused before the trial court in this case, prevented only by the CrI. Revision before the High Court, permits us to observe that the magistracy in the country has yet to realize that there are occasions when one offender is so anti-social that his immediate and prolonged confinement is the best assurance of society's physical protection, Or, we may add, even in less severe situations heavy enough fine to drive him out of this trade if he tried the trick again. There is injustice to the community—the invisible but the immense victim of the crime—in the court's misplaced sympathy for the culprit " (vide—per Krishna Iyer J,— paras 20, 21, 23, 24 and 25 of the judgement

of the case reported in 1974, CrI. L. J. 313= AIR 1974, SC 228.)

While concluding, it must be said that a criminal justice system that is unable to provide a process that can change a criminal into a law abiding citizen is not an effective system. The components of the criminal justice system such as the police, courts, probation officers, have to realise that each one should have the perspective and understanding that creates a mutually supportive effort. Needless to say, the effort is towards securing personal safety and property security. The idea that one can get away with violations of law with the aid of money or mischief, will not increase the potential criminal's respect for the criminal justice system.

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**TAMIL NADU PROBATION AND CORRECTIONAL ASSOCIATION**  
**SEMINAR ON**  
**COMMUNITY PARTICIPATION IN CORRECTION AND**  
**REHABILITATION ".**

**MADURAI.**

**9th & 10th October 1977.**

**REPORT ON THE SEMINAR.**

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The Seminar commenced its deliberations in the beautiful Seminary Hall, Madurai on 9-10-78 by the welcome address by Thiru A. Murugesan, I.P.S., Inspector-General of Prisons, Tamil Nadu.

The proceedings got on to a stimulus with the inaugural address by Thiru K. A. Sundaram, I.A.S., Collector of Madurai, in which he spoke about the Community participation in Correction and Rehabilitation in general. In his presidential address, Dr. N. R. Madhava Menon, the Chairman, pointed out that very good work is being turned out by Probation Officers in Tamil Nadu whose work involves more mind than muscle and their status should be bettered and pay scales made equal to that lecturers in Colleges. Prof. T. P. Meenakshisundaranar, former Vice-Chancellor of Madurai University gave away the prizes to the Probation Officers who have done outstanding work in the field of rehabilitation and also released the souvenir. He stressed that the community as a whole should realise its responsibility and come into full play since crimes are due to the deceased mind of people who are in conflict, which could be cured by a sympathetic and co-operative community.

In the afternoon session, Thiru S. Srinivasan, Chief Probation Superintendent, Madras, in his keynote address stressed the purposeful action of the community in preventing Correction and rehabilitation. In the paper on "Role of Social Work" Thirumathi Mary Thangaraj stated that the very basic nature of mankind needs "Love". Thiru A. N. Thiagarajan, Superintendent, After-care Home, Madurai, in his paper on "Role of Correctional Administration" pointed out that religious and moral instructions should form the basis of prevention which is better than cure.

Captain D. V. P. Raja, Director, Madurai, Institute of Social Work, pointed out the importance of the pre-delinquent preventive aspects than the actual prevention, suggesting Transcendental-Meditation as the panacea. Mrs. Betty David, Psychologist, Juvenile Guidance Bureau, Madras, brought out the impact and incidence of physical, psychological and environmental circumstances in preventing juvenile delinquency. Thiru S. Muthusamy, Probation Officer, Tirunelveli, with particular reference to the cases of fallen women, stressed the need to educate the public to widen their understanding and sympathy to accept them back into the society after correctional treatment given in Homes. Thiru N. Renganathan, Field Publicity Officer, Tirunelveli, brought out the importance of "Mass Media" like, Films, Radio, News Paper, Magazines and the like in educating the public in having a right relationship with the socially handicapped.

On the role of religion, Rev. Arthur Jayakumar of Theological Seminary, Madurai, said that love and forgiveness are the primary qualities of God and man and this basic essentiality should be developed to its fullest expression. Mr. S. M. Diaz, Hony. Prof. of Criminology, University of Madras, explaining the role of Police in Correction, said that in all the three methods-legal and traditional method-Method of People's participation and removal of causes of crimes-Prevention of Crime starts in predelinquent stage itself and he stressed the vital need of having a co-ordinate approach between the Police and the Probation Officers, in tackling the problem of rehabilitation.

The Chairman, in his concluding remarks, raised the important question about the Community participation in Correction and rehabilitation and stressed that in this specialised and Professional task, the different levels and degrees to which the public participation should be allowed must first be settled. He spoke about the need for re-orientation of the entire criminal justice system and also the necessity for free legal aid to the poor.

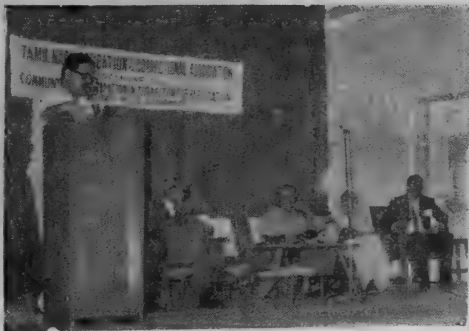
The second day's proceedings commenced with the workshop discussions chaired by Thiru S. M. Diaz, Hony. Professor of Criminology, University of Madras, with Thiru S. Muthuswamy, Probation Officer, as Rapporteur.

Thiru Kannan, Chief Judicial Magistrate, Madurai, has suggested in his talk on the "role of judiciary" that the judiciary from the lowest to the highest must be educated in modern criminal jurisprudence and other relevant social psychiatric and correctional disciplines. He also stressed the justification for raising the salaries and service conditions of the probation officers.

In the paper, on the role of the bar Thiru A. Rajiah, Chairman, Bar Council, Tamil Nadu, stated that the bar can persuade the courts to apply probation whenever and wherever it is applicable as-a-correctional measure more effectively than any other agency. He has also added that probation is an instrument of enlightened criminal justice and the bar as a society of enlightened persons can be of much use in applying it with advantage in the best interests of the delinquents and the society.

23 APR 1981

**Seminar "Community Participation in Correction and Rehabilitation"**  
**held at Madurai on 9th & 10th October 1977.**



**Thiru K. A. Sundaram, I.A.S.**  
**Collector of Madurai.**  
**inaugurating the Seminar.**



**Prof. T. P. Meenakshisundaranar**  
**former Vice-Chancellor of Madurai**  
**University presenting the award to a Probation**  
**Officer for best rehabilitation work**



**A Section of the delegates arriving**  
**at the Seminar hall.**



**A Section of the delegates**  
**attending the Seminar.**





Work-Shop Session :  
Dr. N. R. Madhava Menon,  
Presides and Thiru. S. M. Diaz, I.P.S. (Rtd.)  
Speaks.



Thiru. A. Murugesan, I.P.S.,  
I. G. Prisons delivering the welcome  
address at the Valedictory Function.



Thiru E. L. Stracey, I.P., I. G., Police  
delivering the Presidential Address  
at the Valedictory Function



Thiru S. M. Diaz, I.P.S. (Rtd.) delivering  
the Presidential Address at the  
Valedictory Function.

Thirumathi Regina Jayabalan in her paper on mental health brought out well in full the validity of the saying "Give me good mother. I can give a good nation".

Thiru Natarajan, Probation Officer, in his paper stressed the usefulness and importance of supervision in all deserving cases.

Thiru Kalimuthu, Treasurer, DPAS, Madurai, extolled the valuable assistance given to the society by the probation officers in its work.

Miss Uma of Madurai Institute of Social Work in her paper has stressed that parental affection is a must for correction of delinquency prone children.

Rev. Andrew Wingate gave a vivid account of the system of working of the voluntary probation officers in England and suggested that it is worthwhile experimenting it in our country with some modifications to suit Indian conditions.

Professor Muthu Venkataraman of Madurai School of Social Work in his paper on "public participation in correction" emphasised the establishment of an agency to enlighten the parents to guard the young ones in the pre delinquent stage. Thiru John Sahayam, N.S.S. Officer, American College, Madurai in his paper on "Problems of delinquency" advocated for drastic changes and improvement in the maintenance of homes for orphans, destitutes, etc.

Thiru Visvadas Jayasingh, Madurai Institute of Social Work presenting a paper on "the Role of Social Workers" highlighted the desirability of appointing professionally qualified persons as Probation Officers and also for creating an autonomous body for the administration of probation and after care work.

Professor Nirmala Wycliffe of Lady Doak College in her paper on "Women in crime and their rehabilitation" stated that problems of women offenders are entirely different from that of men. Special care and treatment should be given to them preferably in separate jails, wherever possible.

The valedictory function of the two day Seminar was held at 5 p.m. on 10th October 1977. Thiru A. Murugesan, I.P.S., the Inspector-General of Prisons, while welcoming the chief guests and the invitees emphasised that if every one of those assembled there could rehabilitate one ex-convict or Probationer, we would have gone a long way towards community participation in Correction and Rehabilitation. Thiru S. M. Dias, in his presidential addresses stressed the need for voluntary Probation Officers to augment the work of the official Probation Officers and he himself volunteered to be appointed as a Voluntary Probation Officer. Thiru E. L. Stracey, I.P., Inspector-General of Police in his valedictory address said that the functions of the Police to day are more and more of rendering Social Work to the people and that he suggested implementing of Social enactments be safely entrusted to Voluntary Agencies and to the Probation Officers. Thiru P. Srinivasan

Regional Probation Officer, Kumbakonam presented a resume of the Seminar with the recommendations and Thiru M. C. N. Menon, Seminar Secretary and Regional Probation Officer, Madurai proposed a vote of thanks in which he made a strong plea for separation of the Probation Services from the Jail Department.

The Chairman in his concluding remarks summed up the following ~~for~~ the consideration of the authorities; viz.

1. Avoiding of short term imprisonment to the extent possible by the wider application of the Probation of Offenders Act, and introducing the system of Honorary Probation Officers in a phased programme in our state.
2. Revival of the system of Honorary Magistrate, preferably qualified women to preside over the Juvenile courts.
3. Establishment of Juvenile guidance bureau in every district.
4. Recruitment of more number of Probation Officers to cope up with the increase in work load, with reasonable scales of pay and allowances.
5. An enlightened and meaningful police-public relationship and active and purposeful participation of the public in the treatment, control and prevention of delinquency were recommended for the success of fulfilling the community participation in correction and rehabilitation.



# **"NEED FOR A HUMANITARIAN TONE IN THE ART OF SENTENCING"**

**Excerpts from the Judgement of the Supreme Court of India.**

## **CRIMINAL APPEAL No. 195 OF 1977**

(Appeal by Special Leave from the Judgement and Order dated the 25-10-1976 of the Andhra Pradesh High Court in Crl. R. P. Case No. 660 of 1970 and Crl. R. P. No. 646 of 1976).

**Mohammed Giasuddin** ... **Appellant**

**Versus**

**State of Andhra Pradesh** ... **Respondent**

**THE 6TH DAY OF MAY 1977**

**President :**

**Hon'ble Mr. Justice V. R. Krishna Iyer**

**Hon'ble Mr. Justice Jaswant Singh**

**KRISHNA IYER J.**

Some basic issues bearing on prescription of punishments arise for judicial investigation in this criminal appeal where leave has been limited to tailoring the sentence by appellate review to fit gravity of the delinquency and the redemption of the deviant.

The facts leading up to the conviction may need brief narration. The appellant, along with another accused deceived several desperate unemployed young men, received various sums of Rs. 1200/- by false pretences that they would secure jobs for them through politically influential friends and other make-believe representations. The offence of cheating under Section 420 IPC was made out and conviction of both the accused followed. The 1st accused (appellant before us) is a young man around 28 years old and works as a Junior Assistant in the Planning and Financial Department of the Andhra Pradesh Secretariat and the other accused is his friend who personated as a State Port Officer. Before the trial Court, there was a formal, almost pharisaic, fulfilment the presentencing provision in section 248 (2) Cr. P. C. 1973. The opportunity contemplated in the sub-section has a penological significance of far-reaching import, which has been lost on the trial Magistrate. For he disposed of this benignant obligation by a brief ritual:

**“I made of the accused that they were found guilty under Section 420 IPC and the punishment contemplated thereof.”**

Reform of the black letter law is a time-lagging process. But judicial metabolism is sometimes slower to assimilate the spiritual substance of creative ideas finding their way into the statute book. This may explain why the appellate courts fell in line with the Magistrate's mechanical approach and confirmed the condign punishment of 3 years' rigorous imprisonment. At all the three tiers the focus was on the serious nature of the crime (cheating of young man by a government servant and his black-guardly companion) and no ray of light on the 'criminal' or on the pertinent variety of social facts surrounding him penetrated the forensic mentation. The humane art of sentencing remains a retarded child of the Indian criminal system.

Now we enter the areas of punitive treatment of criminals, assuming that the guilt has been brought home. Certain elemental factors are significant strands of criminological thought. Since the whole territory of punishment in its modern setting is virtually virgin so far as our country is concerned we may as well go into the subject in some incisive depth for the guidance of the subordinate judiciary. The subject of study takes us to our cultural heritage that there is divinity in every man which has been translated into the constitutional essence of the dignity and worth of the human person. We take the liberty of making an Indian approach and then strike a cosmic note.

Progressive criminologists across the world will agree that the Gandhian diagnosis of offenders as patients and his conception of prisons as hospitals—mental and moral—is the key to the pathology of delinquency and the therapeutic role of 'punishment'. The whole man is a healthy man and every man is born good. Criminality is a curable deviance. The morality of the law may vary, but is real. The basic goodness of all human beings is a spiritual axiom, a fall-out of the *advaita* of cosmic creation and the spring of correctional thought in criminology.

If every saint has a past, every sinner has a future, and it is the role of law to remind both of this. The Indian legal genius of old has made a healthy contribution to the world treasury of criminology. The drawback of our criminal process is that often they are built on the bricks of impressionist opinions and dated values, ignoring empirical studies and deeper researches.

India, like every other country, has its own crime complex and dilemma of punishment. Solutions to tangled social issues do not come like the crack of dawn

but are the product of research and study, oriented on the founding faiths of society and driving towards that transformation which is the goal of free India. Man is subject to more stresses and strains in this age than ever before, and a new class of crimes arising from restlessness of the spirit and frustration of ambitions has erupted. White-collar crime, with which we are concerned here, belongs to this disease of man's inside.

If the psychic perspective and the spiritual insight we have tried to project is valid, the police billy and the prison drill cannot 'minister to a mind diseased', nor tone down the tension, release the repression, unbend the perversion, each of which shows up as debased deviance, violent vice and behavioral turpitude. It is a turism, often forgotten in the hidden vendatta in human bosoms, that barbarity breeds barbarity, and injury recoils as injury, so that if healing the mentally or normally maimed or malformed man (found guilty) is the goal, awakening the inner being, more than torturing through exterior compulsions, holds out better curative hopes.

An aside. A holistic view of sentencing and a finer perception of the effect of imprisonment give short shrift to draconian severity as self-defeating and fillips meditational relaxation, psychic medication and like exercises as apt to be more rewarding. Therefore, the emphasis has to be as much on man as on the System, on the inner imbalance as on the outer tensions. Perhaps the time has come for Indian criminologists to rely more on Patanjali sutra as a scientific curative for criminogenic factors than on the blind Joil term set out in the Penal Code and that may be why Western researchers are now seeking Indian Yogic ways of normalising the individual and the group.



George Nicodotis, Director of Criminological Research Centre, Athens, Greece, maintains that 'crime is the result of the lack of the right kind of education'. It is thus plain that crime is a pathological aberration, that the criminal can ordinarily be redeemed, that the State has to rehabilitate rather than avenge. The sub-culture that leads to anti-social behaviour has to be countered not by undue cruelty but by re-culturation. Therefore, the focus of interest in penology is the individual, and the goal is salvaging him for society. The infliction of harsh and savage punishment is thus a relic of past and regressive times. The human today views sentencing as a process of reshaping a person who has deteriorated into criminality and the modern community has a primary stake in the rehabilitation of the offender as a means of social defence. We, therefore, consider a therapeutic, rather than an in 'terrorem' outlook, should prevail in our criminal courts, since brutal incarceration of the person

merely produces laceration of his mind. In the words of George Bernard Shaw: "If you are punish a man retributively, you must injure him. If you are reform him, you must improve him and, men are not improved by injuries." We may permit ourselves the liberty to quote from Judge Sir Jeoffrey Streatfield: 'If you are going to have anything to do with the criminal courts, you should see for yourself the conditions under which prisoners serve their sentences'.

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Incidentally, we may glance at the prison system which leaves much to be desired in the sence of humanising and reforming the man we call criminal.

Jimmy Carter, currently President of the United States and not a law man, made certain observations in his Law Day Speech to the University of Georgia while he was Governor of that State, which bear quotation :

"In our prisons, which in the past have been a disgrace to Georgia, we've tried to make substantive changes in the quality of those who administer them and to put a new realm of understanding and hope and compassion into the adminstration of that portion of the system of justice. Ninety-five percent of those who are presently incarcerated in prisons will be returned to be our neighbours. And now the trust of the entire program, as initiated under Ellis MacDougall and now continued under Dr. Ault, is to try to discern in the soul of each convicted and sentenced person redeeming features that can be enhanced. We plan a career for that person, to be pursued while he is in prison. I belive that the early data that we have on recidivism rates indicates the efficacy of what we've done"

In the light of what we purpose to do, in disposing of the appeal, another observation of Jimmy Carter in the course of the same speech is relevant.

"Well, I do not know the theory of law, but there is one other point I want to make, just for your own consideration. I think we have made great progress in the Pardons and Paroles Board since I've been in Office and since we've reorganized the Government. We have five very enlightened people there now. And on occasion they go out to the prison system to interview the inmates, to decide whether or not they are worthy to be released after they serve one third of their sentence. I think most jurors and most judges feel that when they give the sentence, they know that after a third of the sentence has gone by, they will be eligible for careful consideration. Just

*think for a moment about your own son or your own father or your own daughter being in prison, having served seven years of a lifetime term and being considered for a release. Don't you think that they ought to be examined and that the Pardons and Paroles Board ought to look them in the eye and ask them a question and if they are turned down, ought to give them some substantive reason why they are not released and what they can do to correct their defects?"*

We have dealt with the subject sufficiently to set the humanitarian tone that must inform the sentencing judge, the karuna that must line his verdict.



**The Kerala High Court, in Shiva Prasad (1969 Ker. L. T. 862) had also something useful to say in this regard :**

*"Criminal trial in our country is largely devoted only to finding out whether the man in the dock is guilty. It is a major deficiency in the Indian system of criminal trials that the complex but important sentencing factors are not given sufficient emphasis and materials are not presented before the court to help it for a correct judgement in the proper personalised, punitive treatment suited to the offender and the crime....."*

Likewise, Shri Justice Dua [as he then was] of the Punjab High Court had indicated the guidelines on the application of the rehabilitative theory in Lokhraj & Ors V. State [AIR 1960 Punjab 482] where the learned Judge had pointed out the relevance of the offender's circumstances and social milieu, apart from the daring and reprehensible nature of the offence, The Law Commission of India [in its 47th Report] has summed up the components of a proper sentence :

*"A proper sentence is a composite of many factors, including the nature of the offence, the circumstances-extenuating or aggravating-of the offence, the prior criminal record, if any, of the offender, the age of the offender, the professional and social record of the offender, the background of the offender with reference to education, home life, sobriety and social adjustment, the emotional and mental condition of the offender, the prospect for the rehabilitation of the offender, of the possibility of a return of the offender, to normal life in the community, the possibility of treatment or of training of the*



offender, the possibility that the sentence may serve as a deterrent to crime by this offender, or by others, and the present community need, if any, for such a deterrent in respect to the particular type of offence involved". (Para 7.44)

All that we have said upto now emphasizes the need on the part of the judges to see that sentencing ceases to be downgraded to Cinderella status.

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We have earlier mentioned that the social abhorrence of the crime is an input, since the emphatic denunciation of a crime by the community must be reflected in the punishment. From this angle we agree with the trial court that unconscionable exploitation of unfortunately unemployed young men by heartless deception, compounded by pretention to political influence, calls for punitive severity to serve as deterrent. The crime here is doubly bad and throws light on how gullible young men part with hard money in the hope that political influence, indirectly purchased through money, can secure jobs obliquely. But then the victims of the crime must be commiserated with and in such white-collar offences, it is proper to insist upon reparation of the victims, apart from any other sentence. In the present case, four young men have been wheedled out of their little fortunes by two convicts and so, to drive home a sense of moral responsibility to repair the injury inflicted, we think it right to direct the appellant to pay a fine of Rs. 1200/- which will be made over by the trial court to P.W. 1 (whose case alone is the subject of the prosecution) under section 357 of the Code. That is to say, a fine of Rs. 1200/- is imposed will be paid over to the aforesaid P. W. 1.

What are the other circumstances which we may look into? The appellant is a young man of 28 years. He has a degree in Bachelor of Oriental Languages and another in Commerce, which suggests that he may respond to new cultural impact. He was working as a Junior assistant in the Government Secretariat and has now lost the post consequent on the conviction. This is a hard lesson in life. The socio-economic circumstances of the man deserve to be noticed. His parents are old and financially weak, since they and the appellant's sisters and younger brother are his dependents. The younger brother also is unemployed. These factors suggest that the economic blow, if the appellant is imprisoned for long, will be upon his brother at college and the other members of his family. Extenuation is implicit in this fact. He prays for release on probation or under s. 360 of the Code because he has no blemish by way of previous crime or bad official record. Having regard to his age (not immature) and the deliberate plan behind the crime operated in partnership upon

four-perhaps more—persons, we reject his request as over-ambitious. At the same time, a contrite convict, yet in his twenties, may deserve clement treatment. A just reduction of the sentence is justified and we think that incarceration for 18 months may be adequate. But this long period has to be converted into a spell of healing spent in an intensive care ward of the penitentiary, if we may say so figuratively. How can this be achieved? First, by congenial work which gives job satisfaction—not jail frustration, nor further criminalisation. We therefore direct the State Government to see that within the framework of the Jail Rules, the appellant is assigned work not of a monotonous, mechanical, degrading type, but of a mental, intellectual, or like type mixed with a little manual labour.

This will ensure that the prisoner does work more or less of the kind he is used to. The jail, certainly, must be able to find this kind of work for him, even on its own administrative side—under proper safeguards though.

Shri P. P. Rao, appearing for the state, assures us that in keeping with this constructive suggestion of the Court the jail authorities will assign to the appellant congenial work of a mental-cum-manual type and promote him to an officer-warder's position if his conduct is good. We have also made the suggestion that the appellant must be paid a reasonable fraction of remuneration by way of wages for the work done, since unpaid work is bonded labour and humiliating. This amount may be remitted to his father once in three months. Shri Rao, on behalf of the State Government, has assured the Court that immediate consideration will be given to this idea by the State Government and the jail authorities.

We also think that the appellant has slipped into crime for want of moral fibre. If competent Jail visitors could organise for him processes which will instil into him a sense of ethics it may help him become a better man. Self expression and self realisation have a curative effect. Therefore, any sports and games, artistic activity and/or meditational course, may also reform. We strongly recommend that the appellant be given such opportunities by the jail authorities as will stimulate his creativity and sensitivity. In this connection we may even refer to proven advantages of kindling creative intelligence and normalising inner imbalances, reportedly accomplished by Transcendental Meditation (TM) propagated by Maharshi Mahesh Yogi in many countries in the West. Research projects conducted in various coun-

"Intellectual work is important and has an undoubted place in the scheme of life. But what I insist on is the necessity of physical labour. No man, I claim, ought to be free from that obligation; it will serve to improve even the quality of his intellectual output."

—Gandhi in Harijan : Feb. 6 1947

tries bring out that people practising such or like courses change their social behaviour and, reduce their crime-proneness. We do not prescribe anything definite but indicate what the prison doctors may hopefully consider. While it is beyond us to say whether the present facilities inside the Central Prison, Hyderabad, make it fessible for the appellant to enjoy these benefits and thereby improve his inner being. We strongly feel that the humanitarian winds must blow into the prison barricades. More than this is expected in this decade, when jail reforms, from abolition of convict's costume and conscript labour to restoration of basic companionship and atmosphere of self-respect and fraternal touch are on the urgent agenda of the nation. **Our prisons should be corretional houses, not cruel iron aching the soul.**

We have given thought to another humanising strategy, viz., a guarded parole release every three months for at least a week, punctuating the total prison term. We direct the State Government to extend this parole facility to the appellant, Jail Rules permitting, and the appellant submitting to conditions of discipline and initiation into an uplifting exercise during the parole interval. We further direct the Advisory Board of the Prison, periodically to check whether the appellant is making progress and the Jail authorities are helping in the process and implementing the prescription hereinabove given. Indeed, the direction of prison reform is not towards dehumanisation but rehumanization, not maim and mayhem and vulgar callousness but man-making experiments designed to restore the dignity of the individual and the worth of the human person. This majuscule strategy involves orientation courses for the prison personnel. The State will not hesitate, we expect, to respect the personality in each convict, in the spirit of the Preamble to the Constitution and will not permit the colonial hangover of putting people 'behind the bars' and then forget about them. This nation cannot—and, if it remembers its incarcerated leaders and freedom fighters—will not but revolutionize the conditions inside that grim little world. We make these persistent observations only to drive home the imperative of Freedom—that its deprivation, by the State, is validated only by a plan to make the sentences more worthy of that brightness. There is a spiritual dimension to the first page of our Constitution which projects into penology. Indian Courts may draw inspiration from **Patanjali sutra** even as they derive punitive patterns from the Penal Code (most of Indian meditational therapy is based on the sutras of Patanjali).

Before we close this judgment we wish to dispel a possible misapprehension about the fine we are imposing upon the cheat although we have proceeded on the footing of his family being relatively indigent. The further direction for making over the fine to the deceivers also needs a small explanation.

# VICTIMOLOGY

23 APR 1981

by

**N. PITCHANDI, M.Sc., A.I.J.Sc., C.Chem F.R.I.C.,**

***Editor, Indian Journal of Criminology***

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The main subject of study for the criminologists has so far been the criminal. In recent years, however, the focus has shifted to the crime itself and attention and interest have developed about the victim as an integral part of the criminal situation. To obtain a better understanding of crime and its origins and implications the importance of studying the criminal-victim relationship has been emphasised and thus the subject of victimology has begun to develop.

Victimology is firstly involved with the search for the methods of preventing individuals from becoming victims with physical or psychological trauma, loss of his possessions, of his honour and of his rights as a human being. If a person becomes a victim, victimology seeks to diminish the harmfulness of the situation and to less the severity of the results. It also attempts to prevent their becoming victims once again.

The problem of prevention of crime is approached with emphasis on victim characteristics rather than on offender

characteristics. Some study has been made in America, based on official records, to ascertain to what extent the victim helps to bring about, encourage, contribute to or participate in her or his own victimisation. The available empirical information suggests surprisingly that the victims role may be minimal in forcible rape. Measures of reducing participation by victims may be more successful for crimes where there is a likelihood of higher rational offender behaviour such as burglary or robbery than for crimes like homicide and assaults. Much research work remains to be done, however, before formulating measures for prevention;

It is accepted that the State has an obligation to provide a safe environment allowing its citizens to go undisturbed in the pursuit of their activities and to give treatment and assistance to citizens who could not thus be provided safety. Some people argue that it is the victim's responsibility to prevent his own victimisation by taking appropriate precautionary steps. This would naturally shift the major burden responsibility from offender to the victim.

It is stated that in the offence of rape that it is encouraged by environmental circumstances such as poor street lighting, inadequate police patrols and limitations of public transportation. Much study remains to be done to obtain information concerning the circumstances under which rape occurs. For the prevention of rape it has been suggested that if the traits which characterise a would-be rapist could be identified some kind of preventive treatment and rehabilitation programmes for sex offenders could be established. The potential victim, however, can be instructed about preventive measures such as keeping off the streets at nights, dressing inconspicuously and so on.

Victims are of different types. There are the consenting and willing victims in offences such as statutory rape or the kidnapping of a consenting minor. These offences evoke less moral resistance in the indignation than forcible rape or forcible kidnapping of an adult or child. Then there are the victims who solicit and this solicitation more than the consent of the victim confers a sort of legitimacy on the act and tends to eliminate any moral objection the person may have. For instance a person suffering from a painful and incurable disease may beg the doctor or someone else to put an end to his suffering by committing euthanasia. Even in sex crimes there has been instances when the child sought the criminal dead. There are also the victims who provide provocation and incite the criminal to commit the offence. In the form of words or gestures these victims make the delinquent act possible.

Potential and probable victims can, therefore, be warned as to the part played

by their attitude and behaviour in their being liable for selection as targets for victimisation. Other preventive measures can aim at changing public attitudes to certain types of victims and at reducing possibilities of justification of his act by the offender.

Victims of crime may be more maligned than sympathised with and they generally cannot expect proper understanding. Victimology is intended as a humanitarian science geared towards helping the victims avoiding methods of attributing any blame to them and showing humanitarian concern aimed towards lessening the physiological and psychological trauma caused to them.

The criminal justice system is often indifferent to the sufferings of the individual victims. Its attention is centred more on the accused persons and on the protection of their rights. While the accused is shielded from revenge or retribution, there is little concern for the plight of the victims and the protection of the witnesses. The gateway of the criminal justice system is the police and once the victim reports to the police, he or she is routinely faced with delays, postponements and other abuses resulting in waste of time, loss of earnings, frustration and so on. Victimologists feel that while there is so much attention paid these days to correction and rehabilitation of the offenders no programmes are intended for the treatment of the victim and reintegrating him into society. While concern for the convicted offender is legitimate, equal concern is not displayed for the victim's plight. The offender is lodged, fed and clothed and entertained at state's expense but the victim is seldom cared for.

There is nothing in principle, as Lord Parker pointed out in *R. V. King* (1970 2 All. E. R. 248) to prevent a court from imposing a fine even when imposing a suspended sentence of imprisonment. 'Indeed, in many cases it is quite a good thing to impose a fine which adds a sting.....'. of course, the fine should not be altogether beyond the sentence's means.

As to whether it is wrong to make a sort of compensation order in a case of a convicted person without much means, again, Lord Parker in *R. V. Ironfield* (1971 1 All. E. R. 202) has observed :

"If a man takes someone else's property or goods, he is liable in law to make restitution, or pay compensation .....A victim.....need not be put to the additional trouble and expense of independent proceedings, and certainly cannot be required to forego his rights in order to facilitate the rehabilitation of the man who has despoiled him."

Counsel for the appellant has repeated that his client is taking examination in Accountancy—an indication of his anxiety to improve himself. We have no doubt that the jail authorities will afford facilities to the appellant to do his last-minute studies and take the examination and, for that purpose, allow him to go to any library and the examination hall under proper conditions of security.

The affidavit on behalf of the State indicates that a tendency to turn a new page is discernible in the appellant and this has to be strengthened imaginatively by the Jail Superintendent, if need be, by affording him opportunity for initiation into Transcendental Meditation courses or like exercises provided the appellant shows an appetite in that direction and facilities are available in Hyderabad City.

Shri P. P. Rao for the State, has represented that the Andhra Pradesh Government is processing rules for payment of wages to prisoners who work but that it may take a few months more for finalisation. It is a little surprising that at least two decades or more have been spent in this country after Freedom discussing active programmes of correction although in some States, for long years the wage system has been in vogue. Andhra Pradesh State will rise to this civilized norm and, when it finalises rules, will take care to see that the wages rates are reasonable and not trivial and that retrospective effect will be given to see that at least from October 2, 1977 (the birthday of the Father of the Nation) effect is given to the wage policy.

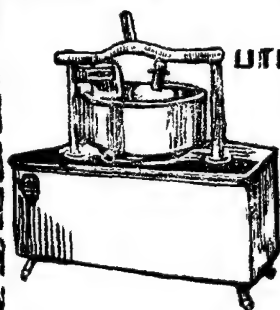
Shri. Sastry, for the appellant, assured the Court that he had been instructed to state that Rs. 1200/- would be paid rightaway out of the fine imposed.

We allow the appeal in humanist part, as outlined above, while affirming the conviction. More concretely, we direct that (a) the sentence shall be reduced to 18 (eighteen) months, less the period already undergone; (b) our directions, above mentioned, regarding parole and assignment of suitable work and payment of wages in jail shall be complied with; and (c) the appellant shall pay a fine of Rs. 1200/-. We appreciate the services of counsel Shri P. P. Rao in disposing of this appeal firstly. We may also mention that Shri. G.V.R. Sastry appearing for the appellant has also helped the court towards the same end.

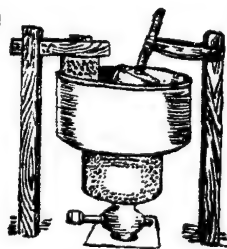
Dated: 6-5-1977

Sd. V. R. KRISHNA IYER J.

Sd. JASWANT SINGH J.



தயாரிப்பு  
பாபு உரல் இயந்திரம்



எங்களிடம் வீடு, ஹோட்டல், ஹாஸ்டல், கேண்டின், மற்றும் கூலி அரைவைகடிக்  
தேவையான எல்லா மாடல்களிலும் மாவாட்டும் உரல் இயந்திரங்கள் கிடைக்கும்

தயாரிப்பாளர் -

**ஸ்ரீ பரஸ்கர் இன்ஜினீயரிங் ஒர்க்ஸ்**

[ கவர்மென்ட் பஸ் நிலையம் அருகில் ]

44, கச்சிப்பாளையம் மெயின் ரோடு, சேலம்: 636001

The victims are often reluctant to report the crimes to the police because they feel that the police could or would not do anything about the incident. If at all the case goes to the court, he stands there as a stranger surrounded by unfamiliar circumstances resulting in embarrassment. Frequently truthful victims are misunderstood when they are subjected to cross examination. Due to nervousness they create the impression that they are withholding something or intentionally uttering falsehood. And on testimonials thus elicited the courts have to reach their decisions. Many victims would rather drop their charges due to the fear of the ordeal of the court proceedings or of the retaliation of the accused.

The property taken from a victim is kept for a long time for purpose of evidence in courts. The State should arrange for immediate return of the property and if it must be kept, restore to him similar property. A photograph of the property may sometimes serve the purpose. Keeping the property for long periods further victimises the victim. Methods for quick return of the property are therefore to be explored. In recent years, the concept of providing Governmental compensation to the victim is being considered. The State of Washington has enacted such legislation in the year 1973. Several other States in the U.S.A. have similarly enacted legislation to aid victims of certain specified categories.

Recently in many countries "victim service centres" and "rape crisis centres" have been established. Major victim assistance programmes are operating in the U.S.A., Canada, Australia and other countries. Besides financial help to com-

pensate for physical injuries, the new victim assistance programmes deal with several other aspects such as providing the victim a companion immediately after the crime, protecting the victim from unnecessary exploitation from police and courts, referring the victim to social service organisations, advising the victim as to how to avoid being victimised again, assisting the families of victims with arrangement such as insurance, funerals, compensation and the like. Victim service programmes in America which provide such assistance are located with police agency, prosecution officers, hospitals and with private volunteer agencies,

A rape crisis centre has been established in Pennsylvania with the object of emphasising the need for respectful and fair treatment of the sexually abused victims by the medical, legal and judicial system and of educating the society to view this crime in the proper perspective as a crime of hostility rather than as a sexual act.

Besides the victims, many citizens who are not directly victimised but who can provide information and evidence, also become witnesses in criminal trials. Little concern is shown to these witnesses also and they suffer also delays, postponements etc. resulting in waste of time and loss of earnings besides inconvenience in courts where they have to wait for their turn in the corridors and face quite often severe cross examinations. It is no wonder, therefore, that many responsible citizens are reluctant to offer themselves as witnesses even if they are in possession of valuable information. It is interesting to note in this connection that the San Mateo County, California, has organised in the



Probation Department recently the Aid to Victims and Witnesses Programme. This agency looks after the needs of the victims and also helps the witnesses in criminal trials by providing volunteers in the court houses who receive them, make them comfortable in the waiting rooms, providing free tea or coffee and give them simple instructions about court procedures.

The science of victimology can be said now to have entered its mature stage. Courses in victimology are being condu-

cted at several Universities. The first international symposium on victimology was held in Jerusalem in 1973. The International Study Institute on Victimology took place in Bellagio, Italy in 1975. Victimology will, however, not attain its objectives unless individuals and society, including those in positions of authority, are made aware of the harmful effects of victimity and are convinced of the need to search for methods to make criminal justice and human service systems responsive to the special needs of crime victims.



## ARE THE KIDS REALLY TO BLAME?

We read in the Paper, we hear on the air  
Of killing and stealing and crime everywhere,  
We sigh and we say, as we notice the trend,  
This young generation.....Where will it end?  
But can we be Sure its there fault alone?

Too much money to spend.....too much idle time  
Too many movies of passion and crime...  
Too many books not fit to be read,  
Too much evil in what they hear said.  
Too many kinds encouraged to roam,  
Too many parents who don't stay at home.

Youth don't make the movies; they don't write the books;  
That Paint the gay pictures of gangsters and Crooks.  
They don't make the liquor, they don't run the bars,  
They don't make the laws and they don't build the cars.  
They don't make the drugs that idle the brain,  
It's all done my older folks, greedy for gain,  
How many cases, we find that it's true.....  
That label, "Delinquency".....fits older folks too!

— Devine Love.

## **SPOT LIGHTS ON THE REHABILITATION WORK DONE BY THE PROBATION OFFICERS IN TAMILNADU.**

**(From July 1977 to May 1978.)**

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**BY**

**P. Kumaraswamy, Probation Officer, Namakkal.**

1. Muthu Gounder, son of Karuppa Gounder, Namakkal (Ex-convict No. 27270 C.P. Coimbatore). He was released from Central Prison, Coimbatore. He had no ostensible means of livelihood. He was asked to apply for old age pension. The Probation Officer had taken necessary steps and persuaded the Medical authorities and Revenue Department Officers at Namakkal. The ex-convict was sanctioned to get Old Age Pension from the month of April 1978. He is settled in life.

2. Sanjeevi, son of Nallaiyan, Namakkal (Probationer). He was Erumaipatty Panchayat Union Jeep Driver. He was placed under suspension in a drunkenness case. He was recommended for release and supervision by the Probation officer. During the supervision period, the Probation Officer persuaded the Commissioner, Panchayat Union Erumaipatty and other Officers in the Collectorate at Salem. A detailed report with recommendation for reinstatement of the probationer in his job was sent to the Collector, Salem. After the continuous efforts the probationer was reinstated in his service. He was reinstated in his job as Jeep Driver in the Panchayat Union Office at Yercaud. He is now well settled in his life. He is more happy. He is now more sincere and duty conscious.

3. Doraiswamy, son of Kuppuchipalayam (Ex-pupil). He was an ex-pupil released from the Approved School, Ranipettai. He was a good tailor. He had not enough money to purchase a tailoring sewing machine to work and earn independently. He was working in a cloth shop in the Village. The Probation Officer contacted the Lions Club President and others at Namakkal. Through the efforts of the Probation Officer, the ex-pupil was helped to get Rs. 200 free to purchase a good tailoring sewing machine. With this amount granted by the Lions Club of Namakkal, he purchased a good sewing machine for Rs. 600 (Usha machine). He is settled in life. He is earning Rs. 10 to Rs. 15 per day in his village.

4. Pachaiyappan alias Pachaimuthu, son of Allimuthu, Kosavampatty, Namakkal (Ex-convict Central Prison, Coimbatore No. 31332). The ex-convict was released from the Central Prison, Coimbatore. He was driving bullock cart in the town for him. One day on 1-10-1977 he was assaulted and severely beaten with a stick by his enemy in the village. His bone on the fore hand was broken. He was frightened. He came to the Probation Officer and reported the incident. He wanted protection for his life and necessary medical treatment as he was very poor and new resident in the village. He was taken to Police Station. A complaint was given against his enemy in the Police Station. Probation Officer contacted the Police Officers and requested to give Protection for his life and take necessary action against the accused. He was then admitted in the Govt. Hospital at Namakkal and persuaded the Medical Officers for better treatment in the hospital for the ex-convict. Later the ex-convict got cured and went home. Through the constant efforts of the Probation Officer and contacts with the Police Officers a case under section 325 I.P.C. against the enemy of the ex-convict was filed in the First Class Court at Sankari. The case is now under trial. The Ex-convict has no disturbances and dangers from his enemy. He is living peacefully and independently. His enemy has realised his mistakes.

5. Kandan Chakly, Theerthampalayam (Ex-convict, Central Prison, Vellore, No. 45720). was released from the Central Prison, Vellore. He is a cobbler and he is trained in cobbler work in Central Prison, Vellore. He had no money to purchase cobbler materials to earn his livelihood as he was very poor. He was helped to secure Rs. 300 as grant to purchase sewing machine and other materials for his job, from the Discharged Prisoners, Aid Society at Salem through the efforts of the Probation Officer. He is now attending to cobbler work in the Village and earning well. He is now well settled in life. Also through the efforts of the Probation Officer, the ex-convict married his brother's wife who was a widow and helpless.

6. Ramaswamy, son of Namumalai Mudaliar, Kudunthapatty. (Ex-convict, Central Prison, Coimbatore, No. 47881). He was a big family man and also very poor handloom weaver. He could not maintain his family with his poor earnings. He was helped to secure Rs. 255 as free to enroll himself as member of the Co-operative Society Kudunthapatty to get regular supply of cotton yarn for weaving and to purchase hadloom materials, from the D.P.Aid Society at Salem through the efforts of the Probation Officer. The Probation Officer made arrangements for the ex-convict to start weaving in his house. He is now settled in life. He is earning well and he is leading peaceful life in the Village.

7. Chidambara Padayachi of Central Prison, Coimbatore (Lifer, Central Prison, Coimbatore, No. 45782). He was undergoing life imprisonment in Central Prison, Coimbatore. His son was studying in

11th Standard in the Village Alanganatam in Namakkal Taluk. He was very poor. His relatives could not educate his son. The boy was helped to secure Rs. 100 free through the efforts of the Probation Officer. He continued his education with this financial help.

8. Appavoo, son of Kandaswamy, Namakkal (Probationer). After his release he had no ostensible means of livelihood. He was from a poor Harijan family. He was able to secure a job as mason under the experienced Mason at Namakkal through the efforts of the Probation Officer. He was earning Rs. 10 per day and he was leading peaceful and happy life.

Later the Probationer was able to secure a good job as watchman in E.V.R. Periyar Maligai at Woraiyur in Tiruchirappalli District through the efforts of the Probation Officer. He was paid Rs. 50 per mensem with food and shelter in the Maligai. He is well settled in life. He is also helping his aged mother at Namakkal. He is very happy.

9. Kandan, son of Kondiraman, Ramanaickenpatty (Probationer). He is a poor family man and he hails from a poor scheduled caste family. He could not get farm mazdoor job on contract basis after his involvement in the theft case. He was then recommended for release and supervision. Probation Officer contacted a landlord at Kadanthapatty and made efforts to secure farm mazdoor job in his farm. The Probationer was employed in the farm of landlord Kandappa Gounder on contract for one year at that time. He was paid Rs. 1,400 per annum. He is leading peaceful and happy life. He is settled in life.

10. Muthan alias Muthuswamy, son of Poosari, Mavuvetty. He is from a poor schedule caste family. He has no parents. He had no ostensible means of livelihood. Contacted Thiru Arunachala Gounder, Vice-President and landlord at Mavuvetty and made efforts to secure farm mazdoor job in his farm for the probationer. Thus the Probationer is helped to secure farm mazdoor job for one year period. He is paid Rs. 500 with three meals per day with shelter in the farm. The Probationer is well settled. He is now sincere and hardworking. A good report about his work and conduct is coming from his landlord.

11. Tharmalingam, son of Kannayan, Ponneri (Probationer). The Probationer was able to secure a farm mazdoor job in the farm of Tr. Sivagnanampillai at Ponneri through the efforts of the Probation Officer. He is employed for two years at that time. He is settled. He is paid 24 vallam of paddy per month.

12. Rajendran alias Kaliyan, son of Ramaswamy, Namakkal (Probationer). Through the efforts of the Probation Officer, the Probationer was able to secure a job as painter in a Painting workshop at Namakkal. He was paid Rs. 7 per day. He was settled in life.

13. Mani, son of Velusamy, Namakkal (Ex-pupil). After his release from the Approved School, he could not get a job in Carpentry workshop. I contacted Thiru Raju, Lorry Body Builder at Namakkal and made necessary efforts to secure a job as carpenter in the workshop for the ex-pupil. The ex-pupil was employed as carpenter in the Lorry Body Building Section. He was earning Rs. 3 per day. He was settled in his life.

14. Nazeer, son of Bava John, Namakkal (Probationer). The Probationer was jobless after his release from the Court. He was able to get a job in Latha Cycle shop through the efforts of the Probation Officer. He was paid Rs. 7 per week. He was learning cycle mechanism. He had no problems and he was settled in life.

15. Rajagopal, son of Sanyasi, Pallipudhur (Probationer). The Probationer was jobless after his involvement in the crime. He was recommended for release and supervision. I contacted the local hotel owner Pethak Kandar and made efforts to secure a job as assistant in his Hotel. The Probationer was employed in the Hotel as Assistant. He was paid Rs. 40 per month with meals. He was settled in life.

16. Sampathkumar, son of Rangaswamy, Namakkal (Probationer). The Probationer is from a poor family. He is young and energetic. He was working as lorry cleaner in a lorry company before he was involved

in the crime. He was recommended for release and supervision. After his release from the Court, I made efforts to get a job as lorry cleaner for the probationer. I contacted Thiru Karuppannan "Velavan Lorry Transports" owner at Namakkal. Later the probationer was able to secure job as lorry cleaner in Velevan Lorry Transports through the efforts of the Probation Officer. He was paid Rs. 6 per day on duty and Rs. 50 as monthly fixed wages. He was settled in life. He was regular and hardworking. He was more helpful to his parents.

**(I) Thiru K. Pandey, Probation Officer II, Tirunelveli.**

#### **CASE No. 1.**

An Ex-convict, Isakkimuthu of Melasalaiputhur has been given almost a Permanent Government job in the Forest Department. After seeing the Ex-convict's capacity and his good qualities, I recommended his case to the wild life warden, Kallakkadu Forest Range at Tirunelveli. The wild life warden was convinced by me and he promised me of employing him as "Fire Watcher" almost permanently. In the same day he was employed as 'Fire Watcher'. Now he is drawing nearly Rs. 200 per month. He is leading a happy and contented life with his family members. He and his family members thanked the Probation Officer heartily.

**N.B.**—He was convicted for a murder case. He was released prematurely under the Advisory Board Scheme and was placed under the supervision of the Probation Officer.

### CASE No. 2.

A Probationer, by name Subramanian, son of Seetharaman, Radhapuram, Nanguneri Taluk was formerly employed as Secretary of the Village Co-operative Society at Radhapuram which is giving loans to the Agriculturists. He was involved in a misappropriation case in that society. He was ousted. After becoming a Probationer, on my suggestion, he applied for the post of Village Karnam. His application was rejected on the line of his previous case, by the Village Munsif himself. Then I, contacted the Village Munsif and convinced him to accept his application form by quoting the beneficial provisions of Section 12 of the Probation of Offenders Act, 1958. The Village Munsif accepted the application form and he forwarded the same to the Tahsildar Nanguneri with his recommendation. The Tahsildar, Nanguneri passed the order of employing him as the Karnam of the Village, Uthayathoor, a nearby village of the Probationer, in his proceedings No. 3679/78/dt. 13-4-78. Now the Probationer is the Village Karnam of Uthayathur. He and his family members thanked the officer and the Probation System heartily. His post is temporary but he is likely to be made permanent. Assurance was also given to this effect.

### CASE No. 3.

For a Probationer, by name Venkatesan, son of Peter I have taken efforts to employ him as supplier of Kerosene oil to the various local shops. For this I approached the owner of Jothi and Company a whole sale agency of Kerosene at Tirunelveli. He was hesitating to employ him because of the case of theft of wire in a Bank. I explained to him how his case was disposed and why he was placed under the supervision of a Probation Officer. Later after long persuasion, he was convinced and he was very happy to employ him as the supplier of oil. Now he is earning Rs. 110 per month. He is paying Rs. 100 to his parents. His parents and others in the locality were surprised to see his changed life. (History Sheet No. 21/77).

**N.B.**—He was convicted under sections 380 and 511, Indian Penal Code. He was rehabilitated under the Probation System.

### CASE No. 4.

For a Probationer Adimal, son of Rajadurai Nadar, Tisayanvilai. I stepped into the room of the Doctor of Government Hospital, Tisayanvilai. After seeing the Probationer's skin I presumed that he might be having the Leporacy. I explained the Probation system and the concerned probationer's case (Prohibition Case) to the doctor. The doctor came to understand why the Probationer was placed under the supervision of a Probation Officer. He was very much pleased to do the preliminary tests of Leporacy for the Probationer Adimal. Then it was found that the Probationer was not having the Leporacy but some sort of other skin disease. The doctor prescribed certain medicines and he asked the Probationer to have medical treatment regularly. The disgusted Probationer because of this new experience felt very happy and he thanked me and the doctor heartily (H.S. No. 28\$77).

**N.B.**—He was convicted under section 4 (1) (i) of Tamil Nadu Prohibition Act. He was rehabilitated under the Probation System.

### **CASE No. 5.**

An Ex-convict, Mani, son of Kandaswamy Karaiyalar, Tirunelveli was helped to have a aid of Rs. 400 from the Discharged Prisoners' Aid Society, Tirunelveli. He was involved in a murder case and he was released under the Advisory Board Scheme of the Government. Now he is under my supervision. With this amount, I purchased a cow and it was handed over to the Ex-convict. The Ex-convict with that cow is able to earn Rs. \$ per day by way of milking. He is also repaying the loan amount regularly. He expressed his confidence of buying a bullock cart (H.S. No. 2/76).

### **CASE No. 6.**

For an Ex-convict Velayutha Konar, I approached the Superintendent of Tirunelveli Government Medical College Hospital. The ex-convict (Advisory Borad Scheme) was suffering from T.B. He was very much worried. I introduced the ex-convict to the Superintendent and explained to him the Probation system. The Superintendent was vary much happy and he himself tested him and admitted him in a special bed. The ex-convict was asked to have in-patient treatment. He took inpatient treatment for nearly 15 days with nutritious food. Then he was discharged on his progress and later was asked to have a periodical medical check up and to receive tablets and other medicines regularly. Now he is getting cured and he is happy over his physical conditions.

### **CASE No. 7.**

An ex-convict by name Nainar Konar, son of Masana Konar, Chinthamani, was helped to have an aid of Rs. 500 from the Discharged Prisoners' Aid Society, Tirunelveli. (He was involved in a murder case and he was released under the Advisory Board Scheme of the Government. Now he is under my supervision). With this amount I purchased a cow with its calf was handed over to the ex-convict. The ex-convict with that cow and its calf is able to earn Rs. 6 per day by way of milking. He got married and he is leading a happy and contented life. He is repaying the amount regularly. (H.S. 477).

### **CASE No. 8.**

An ex-convict Velusamy alias Vedanayakam, son of Seenithevar, Tirunelveli became Paralytic suddenly. Then I took him to the Superintendent, Tirunelveli Medical College Hospital and introduced him to the doctor. The doctor was kind enough to give in-patient treatment to him. The ex-convict stayed there in the hospital and completed his in-patient treatment with 80% cure. Now he is progressing well and is very much happy over his physical condition H.S. 376).

## MISCELLANEOUS.

9. By giving a detailed discriptive letter of the Probationer's position (Probationer Ganapathy, son of Vairaperumal, Thirukkurungury—H.S. No. 478) I was able to put an end to a dispute which was aroused in the Probationer's home. The dispute was over the sub-division of the common land.

10. A Probationer by name Thiyagarajan, son of Perumal Asari (H.s. 47/76) was very much interested in his caste oriented job of Goldsmithy. But he was compelled to do some other work by the parents. Then I explained his interests and his aptitude to the parents. Then the parents allowed him to do Goldsmithy.

11. A Probationer, Arumugam, son of Isakkimuthu (H.S. 25/77) with his sewing machine could not find a suitable place to have his sewing machine for stitching. I with the Probationer approached a Saloon owner for this to have his machine infront of this saloon. The saloon owner was pleased to provide a small place for him. The Probationer occupied that place and now he is earing Rs. 6 to 7 per day.

12. There was a constant quarrel between the Probationer Ayyadurai, son of Manakkan and his son-in-law (at Alwarery H.S. No. 1/78) regarding the payment of arrear amount by the Probationer to him. By my intervention, the dispute was settled and now there is no quarrel between them.

13. & 14. Two ex-convicts, by name Kasi, son of Subbiah, Melakunnathur and N. Perumal of Thiruppani Karisal Kulam, were recommended to get cash Rs. 500 as aid from the Discharged Prisoners, Aid Society, Tirunelveli for purchasing a cow and for opening a petty shop respectively.





# Towards equal justice

(Programme of the Tamil Nadu State Legal Aid and Advisory Board)

By Justice P. Ramakrishnan I. C. S. (Retd)

Article 39-A of the constitution declares the State's policy in the following terms: "The State shall secure that the operation of the legal system promotes justice on a basis of equal opportunities and shall in particular provide free legal aid by suitable legislation or schemes or in any other way to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities."

A scheme for legal assistance in fulfilment of this declaration has been introduced in Tamil Nadu. It started with the formation of the Tamil Nadu State Legal Aid and Advice Board as a society registered under the Societies Registration Act. The memorandum of articles of association and the rules were registered on Nov. 19, 1976.

The Chairman and Vice-Chairman who are former Judges of the Madras High Court and the Adviser who is a sitting Judge of the High Court were nominated in April 1977. The board has an executive committee at its headquarters in Madras. It is a high powered committee and functions as the apex body at the headquarters. The funds are made up principally of grants from the Government supplemented by donations and subscriptions from members.

The activities of the board are channelled through district committees which have been constituted in all the 16 districts in the State as well as Nilgiris district and the city of Madras. There is provision for the constitution of committees designated taluk committees, for smaller areas where there is a District Magistrate, a Subordinate Judge or a District Munsif. Taluk committee have been constituted so far in Kumbakonam, Devakottai, Dindigul, Dharmapuri, Tuticorin and Chidambaram.

Financial provision and a minimum staff for each of the district committees have been sanctioned. Upto March 31, 1978 over 1600 applications were received for legal aid and advice by these committees. Compromise has been effected wherever possible, and aid is given to take matter to court where compromise is not possible.

All applications for legal aid and advice in the and the districts are received at the Secretariat of the respective district committee by the Administrative Assistant in charge. The secretariat is located in the mofussil in the District Court premises and in the City Court premises in Madras. The applicant is required to state the particulars of his means and make a declaration about them, but no elaborate enquiry will be made at this stage to verify them. Counselling centres for offering legal advice have been set up and they function in the following way.

They are supplied accommodation in the court buildings. Competent lawyers are assigned by the President to deal with the application. The applicant is expected to supply particulars containing a concise statement of his problem. The lawyer who is assigned from Panel A (Juniors) attends the counselling centre, questions the applicant to find out the precise nature of the problem where it is a legal one or otherwise. If it turns out to be a non-legal one, he will give the appropriate advice and close the matter.

But if it is a legal problem, he will tender the necessary advice, outlining the relief required and indicating the departmental authority, tribunal or forum from which relief could be obtained. In the relief is to be granted by a departmental authority, the lawyer will supply the applicant with a summary of his recommendation so that he could approach the authority for relief.

- Experience shows that the departmental authorities in such cases generally give consideration to the recommendation of the counselling centre and afford appropriate relief to the applicant. In fact, some departmental authorities have expressed their appreciation of this initial scrutiny for clarifying the requirements of the poor in pinpointing the appropriate relief.

If the interviewing lawyer of Panel "A" thinks that the legal problem is more difficult and that is necessary to make a reference to a senior lawyer (whose name is entered in Panel B), he prepared a certificate to the effect whereupon the matter is referred to a "B" panel lawyer for his advice. The lawyers in the counselling centre were at first being paid an honorarium of Rs. 10 for a session of two hours of work, but it is now increased to Rs 15. The senior lawyers to whom special cases are referred for opinion function in an honorary capacity and their advice is given free.

As litigation is costly and timeconsuming for persons of inadequate means, the assistance to be given by the lawyers at the counselling centre will be compromise oriented to see how far a just compromise can be arrived at. After interviewing the applicant and locating the problem, the lawyers will give notice to the opposite party to attend at a subsequent hearing for working out an acceptable compromise. The counselling centres function at this stage in a purely advisory capacity. Considering the status and impartiality of the lawyers giving legal assistance at the counselling centres and awareness of most people of the time and expense which are entailed if they go to court, it is found that a good many cases can be solved in this way by compromise.

The Legal Aid Programme can be considered under three heads :- Legal aid before the court in civil matters. Legal aid for assistance before other tribunals like the Motor Vehicles Accidents Tribunals. Legal aid before criminal courts.

There may be cases where compromise fails and the legal problem could be resolved only by going to a court or tribunal. In such cases the lawyers at the counselling centres

would have reached an over-all assessment of the problem, including the prima facie nature of the applicant's case, and a fair probability of its success if a suit or proceeding is filed by the indigent person. After this examination, if the lawyer at the counselling centre recommends proceedings before a court, the President of the district committee refers the matter to a member of the district committee who is a member of the bar or a Panel "B" lawyer for further screening of the case including a fuller enquiry into the indigence of the applicant. If a recommendation is made by the person thus consulted for institution or defence of a proceedings before a court or tribunal, the President of the district committee assigns a lawyer from the panels maintained for the purpose.

The President of the district committee who is the District Judge does not himself enter into the merits of the case. In these cases, the court expenses are met by the board and the lawyers are paid the appropriate fee. The Legal Practitioners Fees Rules are relied upon for the purpose where they apply; in other cases, the board fixes a schedule for the purpose. Where exemption from court fee can be obtained under the *in forma pauperis* procedure. It is also sought.

The board has outlined a programme of assistance to victims of motor vehicle accidents who are poor. There have been frequent complaints of exploitation of these unfortunate people by touts, middle men and petty officials and some-times by lawyers as well. The Tamil Nadu Government has issued administrative orders as well as rules under the rule making power. But these are not as widely known as they ought to be. In 1961 the State Government issued a G. O. making it obligatory on police authorities to whom an accident is reported to furnish to the injured person particulars of name and addresses of the owner of the vehicle and the name and address of the insurance company with which the vehicle is insured for comprehensive or third party risk. Where death has occurred as a result of an accident, the particulars referred to above should be furnished by the police to the parents or guardian or the legal representatives of the deceased.

The Government also recognised that in many accidents, the victims being poor and illiterate there was a risk of their claims being time-barred. Therefore, it emphasised that the particulars should be made readily available.

In September 1961 the State also directed that other information necessary for making a claim should be furnished by the police officer free of charge. The State took another step in about August 1976 by introducing a rule in the Motor Vehicles Accidents Claims Rules viz. Rule 3-A. This rule requires the investigating police officer to obtain an application for compensation signed by the victims or legal representative of the deceased victim and send it to the claim tribunal without waiting for the result of the investigation into the accident.

This rule which came into force in August 1976 did not get the necessary publicity and remained dormant. The Inspector-General of Police has now issued circulars to all officers of the Department of Traffic Investigation directing that rule 3(A) should be implemented forthwith in respect of cases in which death or grievous hurt is caused and the necessary application for compensation should be obtained promptly from the victims and sent to the claim tribunal. At the request of the board, the Inspector-General has instructed the officers of the Department of Traffic Investigation that in every such case where a party desires legal assistance to pursue his claim, the police should send a copy of the application to the district legal aid committee. The district committee will process the application through the counselling centre and provide lawyers' assistance to prosecute the claim before the tribunal. The board has instructed that in all compromises the awards should always be court with the consent of the parties. Statistics collected so far show that in the State only about 50 per cent of fatal and grievous hurt cases are followed by applications for compensation before the claims tribunal.

What happens to the balance is not clear. It is the board's objective that in a short period all the cases in which death or grievous hurt is caused are brought before the tribunal. The board hopes that it will be

possible to achieve this goal soon if the Department of Traffic Investigation, the social service agencies in the State and the public realise the beneficial nature of the scheme envisaged by the board and give it their fullest co-operation

The board is now processing about 50 claim petitions of poor people to be presented to the tribunals. The machinery it has set up can deal with more applications, than those now being presented to it.

A vehicle owner who may be putting an unlicensed driver at the wheel, or an owner realising the advantage of showing an accident free record have all a vested interest in suppressing accidents. Every citizen has a duty to help victims who are indigent and illiterate by making them aware of the facilities now made available by the board.

The need for providing counsel at the expense of the State for accused not represented in criminal trials has been recognised for quite a long time in India. The Criminal Rules of Practice and circular orders of the Madras High Court embodying earlier Government orders going as far back as 1884 assured counsel at State cost for trials before courts of session limited to offences which involved a charge for an offence punishable with death. There was discretion to the sessions Judge to give State briefs in non-capital cases also. There was provision for appointment of counsel at State expense in proceedings in the High Court where an accused was under sentence of death or was being called upon to show cause why a sentence of death should not be passed and in appeals against acquittal filed by the State in cases involving a sentence of imprisonment. The new Code of Criminal Procedure which came into force from April 1, 1974, by Section 304 (1) provided for appointment of counsel for indigent accused in all trials before sessions courts. The Madras High Court, with the approval of the State Government has promulgated the Poor Accused Rules of 1976 which deal with the implementation of this provision.

With regard to other classes or trials before courts of magistrates, the Government has

the power under Sec. 304(3) to extend by notification the facilities offered by it for accused in sessions trial under Sec. 304 (1) by the Poor Accused Rules referred to above, but this aspect of the matter has not been taken up so far by the State. Pending such extension, the board has initiated a scheme for legal aid in criminal cases whose outline is briefly as follows :

In cases heard before the Chief Judicial Magistrate or Chief Metropolitan Magistrate which involve generally serious offences; legal aid will be given for all those offences which were formerly triable by the sessions court, but which under the amendea code are made triable by a magistrate. In other cases, if the magistrate makes a recommendation that it is a case deserving legal aid, the board will generally comply with the request. In cases before other I Class and II class magistrates, the recommendation by the magistrate for Legal aid will not be acted upon automatically but the president of the district committee will have the discretion to have the matter scrutinised by the counselling centre for the suitability of the case for the legal aid. Here applications presented by

women for maintenance for themselves and for their children will get preference.

It is now widely recognised that legal aid to a poor accused is an obligation of the State under the principle of equality before the law. Considering the wide range of criminal offences, some of which are only technical, while others may be very serious, it may not be practicable to make this an invariable rule. In different countries different standards have been laid down for making a selection. Thus in the USA the latest decision confines relief to all cases which entail imprisonment. But this will necessitate a pre-trial assessment of the possibility of a prison sentence.

This in Indian condition may prove difficult. The board has, therefore, considered it, best to make a classification as outlined above for selecting the more serious cases for giving priority and issuing guidelines for the less serious cases which also represent the area covered by the largest number of cases namely those before I class magistrates other than Chief Judicial Magistrates and the chief Metropolitan and II class magistrates.

WITH THE  
BEST  
COMPLIMENTS  
FROM

**K. G. R. LORRY SERVICE**

*Proprietor :*

**K. KARUPPAIYA,**  
Tiruchengode Road,  
NAMAKKAL-637 001.  
(Salem District)

# அபலை பெண்ணிற்கு மறுவாழ்வு அளித்த இரணுவ வீரர்..

(இது ஒரு நன்னடத்தை அலுவலரின் மறுவாழ்வுப் பணி)

ஆ. மு. காசிவிஸ்வநாதன், எம். ஏ.,  
நன்னடத்தை அலுவலர்,  
சேலம்.

அன்று ஒரு நாள் வெளி வேலைகளை முடித்துக் கொண்டு அலுவலகத்திற்குத் திரும்பி வந்து நாத்காலியில் அமர்ந்தேன். சில மணித் துளி கள் ஓய்வு எடுத்தப் பின், அலுவலக ரிகார்டு களைப் புரட்டினேன். 'சார் ! போஸ்ட்...என்ற குரலுடன் தபால்காரர் என்னிடத்தில் ஒரு கடிதத்தைக் கொடுத்துச் சென்றார்.

கடிதத்தை உடைத்துப் பார்த்தேன். திருநெல்வேலி மண்டல நன்னடத்தை அலுவலர் அவர்கள் கொலை குற்றத்தில் ஈடுபட்டு வேலூர் மகளிர் சிறையில் சிறை தண்டனை அனுபவித்து வரும் இளம்பெண் ணைருத்தியின் வாழ்க்கையை சீர்திருத்தி அவளுக்கென சமுதாயத்தில் "அடைக்கப் பட்ட கதவுகளைத் திறந்து அவள் திருமணத் திற்கு வேண்டி நடவடிக்கைகளை மேற் கொள்ளுமாறு வேண்டியிருந்தார். அவரது கடிதத்தை கையில் எடுத்துக் கொண்டு வேலூர் மாநில மகளிர் சிறைக்குச் சென்றேன். சிறை கதவுகள் திறக்கப்பட்டன. மகளிர் சிறை கண்காணிப்பாளரைச் சந்தித்து, விவரத்தை எடுத்துக் கூறினேன். பெண்ணை சந்திக்க ஏற்பாடு செய்யப்பட்டது.

"வணக்கம் ! சார்" .....என்று ஒரு பெண் கூறி கொண்டே சிறை காவலர் ஒருவருடன் வந்து அருகில் நின்று...இருபத்திரண்டு வயது மதிக்கத்தக்க நல்ல சிவப்பான, சுருட்டை முடி உடைய அழகான அந்த பெண் சிறையிலே கொடுக்கப்பட்ட தூய்மையான ஆடை அணிந்து இருந்தார் அவள் கண் களிலிருந்து கண்ணீர் துளிகள் ததும்பி கொண்டு இருந்தன... சொல்ல முடியாத சோகர், அவள் உள்ளத்தில் இருப்பதை சேர்ந்து போன அவள் முகம் காட்டியது. சில நொடிகள் கழிந்தன...

"உன் பெயரென்னம்மா !".....

"ராணி மேரிங்க".....

"உங்க அப்பா, அம்மா பெயரென்ன எங்கிருக்காங்க?"

அவங்களை நான் பார்த்ததே இல்லிங்க..... என்று தமது வாழ்க்கையின் பூர்வீக கதையை ஒளிவுமறைவின்றி கீழ் வருமாறு குறிப்பிட்டார்.....

செல்வி ராணிமேரி திருநெல்வேலி மாவட்டத்தில் உள்ள உவரி என்னும் கிராமத்தைச் சேர்ந்தவர். இவள் மீன் பிடிக்கும் கிருத்துவ பரதவர் குடும்பத்தில் பிறந்தவராம். இவளது தகப்பனார் செல்வி ராணிமேரிக்கு ஐந்து வயது இருக்கும் பொழுதே மனைவி மற்றும் குழந்தைகளை விட்டு விட்டு (கணவன்-மனைவி தகராறு காரணமாக) சிலோனுக்கு ஓடி விட்டாராம். ராணிமேரியின் தாயாரும் கணவர் சிலோனுக்கு ஓடியவுடன், வீட்டில் சொல்லிக் கொள்ளாமல் ஐந்து வயது ராணிமேரியையும், 3 வயது ஆண் குழந்தையையும் விட்டு விட்டு வேறு ஒருவருடன் ஓடி விட்டாராம். இப்படி தகப்பனாரையும் தாயாரையும் இழந்த ராணிமேரி, அவளது மூன்று வயது சகோதரனுடன் சிறிது காலம் பெரியப்பா வீட்டில் வளர்ந்து இருக்கிறார். தமது குடும்பத்தையே தினமும் மீன் பிடித்து அதில் வரும் வருமானத்தைக் கொண்டு நடத்த இயலாத ராணிமேரியின் பெரியப்பா, ராணிமேரியை நாலூர்த், சச்சில வளையில் உள்ள ஹோலிகிராஸ் அனாதை பள்ளியில் சேர்த்து விட்டாராம்.

ஹோலிகிராஸ் அனாதை பள்ளியில் ராணிமேரி எட்டாம் வகுப்பு வரை படித்து இருக்கிறார். பிறகு கோவில்பட்டியில் உள்ள கிருபை இல்லத்தில் (கிருத்துவ அனாதை இல்லம்) சேர்க்கப்பட்டு, அனாதை இல்லத்திலேயே தங்கிக் கொண்டு எஸ். எஸ். எஸ். சி வரை படித்து இருக்கிறார். தையல் பயிற்சி, எம்ராயிடரி போன்ற கைத்தொழில்களும் கற்று இருக்கிறார். எஸ். எஸ். எஸ். சியில் தோல்வி கண்ட இவர் கிருபை இல்ல கண்காணிப்பாளரிடம் சொல்லிக் கொள்ளாமல்,

இல்லத்தை விட்டு வெளியேறி விட்டாராம். தமது பெற்றோர்களிடமோ அல்லது மற்ற உறவினர்களிடமோ சிறிதும் தொடர்பு இல்லாத நிலையில் கிருத்துவ அனாதை இல்லத்தில் வளர்ந்த ராணிமேரி, அனாதை இல்லத்தை விட்டு வெளியேறியதும் எவரு, எப்படி செல்ல வேண்டும் என்று ஒன்றும் புரியாத சூழ்நிலையில் இருநெல்வேலி பஸ் நிலையத்தில் நின்ற கொண்டிக்குறி பொழுது, சில சமூக வீரோத சக்திகளின் கையில் அகப்பட்டு, அவர்களது ஆசைவார்த்தைகளுக்கு ஏமாந்து, ராணிமேரி விபச்சார விடுதியில் சேர்க்கப்பட்டு விடுகிறாள்.

விபச்சாரத் தொழிலில் சிறிதும் விருப்பம் இல்லாத செல்வி ராணிமேரி விபச்சாரத்தில் ஈடுபட மறுத்து இருக்கிறாள். இப்படி சில நாட்கள் ராணிமேரி விபச்சார விடுதியில் காவலில் இருந்து இருக்கிறாள். இறுதியில் விபச்சார விடுதியில் தொடர்பு கொண்ட சில நபர்களுக்கும் செல்வி ராணிமேரிக்கும் இடையே ஏற்பட்ட தகராறில் ஒருவர் கொல்லப்பட்டாராம். இந்த வழக்கிற்காக ராணிமேரி கைது செய்யப்பட்டு, கொக்கரக்குளம் கிளை சிறையில் காவலில் வைக்கப்பட்டாராம்.

கொலை வழக்கை விசாரித்த திருநெல்வேலி செசன்ஸ் நீதிபதி அவர்கள் செல்வி ராணிமேரிக்கு ஒரு வருடம் தண்டனை வழங்கியதாக தீர்ப்பு அளித்ததின் பேரில், பத்து மாதம் கொக்கரக்குளம் கிளை சிறையில் பாதுகாவலில் வைக்கப்பட்டு இருந்த செல்வி ராணிமேரி வேலூர் மாநில மகளிர் சிறைக்கு மாற்றப்பட்டதாக தனது சோக கதையை கூறி முடித்தார்.

பெற்றோரில்லாத ஒரு பெண்ணின் துன்பங்களைக் கேட்டுக் கொண்டிருந்த என் மனதில் சஞ்சல மேற்பட்டது. "சரியம்மா !... நடந்தவைகளை எல்லாம் மறந்திடு !... நடக்கப் போறதைப் பத்தி சொல்லு !... நன்னடத்தை அலுவலருக்கு இராணுவத்தில் பணிபுரியும் கிருஷ்ணன் என்பவரை திருமணம் செய்து கொள்ள போவதாக குறிப்பிட்டு விண்ணப்பம் செய்து இருக்கிறாயே ! .... ஆமா .... கிருஷ்ணன் சொந்த ஊர் எது எங்கு வேலை பார்க்கிறார்.....

கிருஷ்ணனைப் பற்றி தனக்கு ஒன்றும் தெரியாது என்றும் அவரது பெற்றோர், சொந்த ஊர், முகவரி போன்ற எந்த விவரமும் தெரியாது என்றும் குறிப்பிட்டார்.

"ஆமா மமா !..... கிருஷ்ணனை தெரியுமா என்று சொல்லு !

"உனக்கும் கிருஷ்ணனுக்கும் எப்படி பழக்கம் ஏற்பட்டது ?" என்று மேலும் நான் கேட்டேன்.

ஐயா ! நான் விபச்சார விடுதியில் இருந்த பொழுது ஒரு நாள் இரவு கிருஷ்ணன் விபச்சார விடுதிக்கு வந்தார். அதிஷ்டவசமாக நான் அவரை விடுதியில் சந்திக்க நேரிட்டது. எனது சோக கதையை அவரிடம் விவரமாக குறிப்பிட்டேன். கெட்ட நோக்கத்தோடு விடுதிக்குள் நுழைந்த கிருஷ்ணன், தனது சோகக் கதையை கேட்டு மனம் வருந்தினார். தாம் வட இந்தியாவில் இராணுவத்தில் பணிபுரிந்து வருவதாகவும், தற்போது ஒரு மாத விடுமுறையில் ஊருக்கு வந்து இருப்பதாகவும் குறிப்பிட்டார். மேலும் என்னை முறைப்படி திருமணம் செய்து கொள்வதாகவும், இன்னும் ஒரிரு நாட்களில் போலீஸ் உதவியுடன் தன்னை இந்த விடுதியிலிருந்து மீட்கப் போவதாகவும் வாக்குறுதி வழங்கிவிட்டு, அவரது முகவரியை என்னிடம் கொடுத்துச் சென்றார். சில தினங்கள் கழிந்தன... கிருஷ்ணன் என்னை விடுதியிலிருந்து காப்பாற்றுவதற்கு முன்னவே, நான் கொலை வழக்கிற்காக கைது செய்யப்பட்டு கொக்கரக்குளம் கிளை சிறையில் காவலில் வைக்கப்பட்டு விட்டேன். ஒரு மாத விடுமுறையில் இருந்த கிருஷ்ணன் கொக்கரக்குளம் கிளைச் சிறையில் நான் இருந்த போது என்னை அடிக்கடி வந்து பார்த்தார்... சாப்பாடு, துணிமணி வாங்கி கொடுத்தார் .... இந்த சமுதாயத்தில் எனக்கு ஆதரவாக இருக்கும் ஒரே நபர் அவர் ஒருவர்தான்... எனக் கூறிக் கொண்டு கிருஷ்ணன் ராணிமேரிக்கு எழுதிய நான்கு ஐந்து கடிதங்களை என்னிடம் காட்டினார் கடிதங்களை வாங்கிப் பார்த்தேன். அதில் கிருஷ்ணன் பெயர், என், இராணுவ கோடு முகவரி இவைகளைத் தவிர வேறு எந்த குறிப்பும் இல்லை.

அவன் கதையை கூறி முடித்ததும் வழக்கம் போல் சில குறிப்புக்களை குறித்துக் கொண்டேன். ராணிமேரியை இந்த சமுதாயத்தில் நல்லவளாக வாழ வைக்க வேண்டும் என மன உறுதி கொண்டு, சிறை கண்காணிப்பாளரிடம் விடை பெற்று, வேலூர் மாநில மகளிர் சிறையை விட்டு வெளியேறினேன்

நான் முதலில் கிருஷ்ணன் என்பவர் யார், அவர் குடும்ப முகவரி என்ன ; இவர் இராணுவத்தில் பணிசெய்பவர்தானா, அவர் கொடுத்திருக்கும் முகவரி சரியானதுதானா, அவரது பூர்வீகம் என்ன என்பதனை விசாரித்து அறிய விரும்பினேன். எனவே கிருஷ்ணன் குறிப்பிட்டிருந்த இராணுவ முகவரிக்கு கடிதம் எழுதி விவரத்தை சேகரித்தேன். நான் எழுதிய

கடித்ததிற்கு கிருஷ்ணன் வட இந்தியாவிலிருந்து தனது கைப்பட எனக்கு ஒரு பதில் கடிதம் எழுதியிருந்தார். கடிதத்தில் கிருஷ்ணன் தமது குடும்பம், சொந்த ஊர் போன்ற செய்திகளையும், ராணிமேரியை திருமணம் செய்து கொள்வதாகவும் உறுதி கூறி எழுதியிருந்தார். அதனைக் குறித்து, மண்டல நன்னடத்தை அலுவலர் நெல்லைக்குக் கடிதம் எழுதினேன். நெல்லை மண்டல நன்னடத்தை அலுவலர் கிருஷ்ணனின் சொந்த ஊர், குடும்பம், அவரது பூர்வீகம் ஆகியவைகளை விசாரணைச் செய்து விவரமாக எனக்கு கடிதம் எழுதினார்.

கிருஷ்ணன் சொந்த ஊர் திருநெல்வேலி ரயில்வே ஸ்டேஷனுக்கு அருகாமையில் உள்ள ஒரு சிறிய கிராமம், இவர் கோனார் இனத்தைச் சேர்ந்தவர். எஸ்.எஸ்.எல்.சி வரை படித்தவர். நடுத்தர விவசாயக் குடும்பத்தைச் சேர்ந்தவர் இருபத்து ஆறு வயது வாலிபர். இராணுவத்தில் பணிபுரியும் இராணுவ வீரர். ஆகிய விவரங்களை விசாரணை மூலம் சேகரித்தேன். கிருஷ்ணன் ஒழுக்கமானவர், பண்புள்ளவர், படித்தவர், இராணுவத்தில் பணி புரிபவர், நல்ல குடும்பத்தைச் சேர்ந்தவர் என ஒரு முடிவுக்கு வந்தேன்.

ராணிமேரி சிறையிலிருந்து வெளியாகும் (19-4-78) தேதியையும், அவள் சிறையிலிருந்து

நுந்து விடுதலை பெறுவதற்கு இரண்டு தினங்கள் முன்பே வேலூர் வருமாறு வட இந்தியாவில் பணிபுரியும் கிருஷ்ணனுக்கு கடிதம் எழுதி விட்டு, திருமண ஏற்பாடுகளை செய்து வைத்தேன்.

ராணிமேரிக்கும் சேர்த்து இலவச ரயில் பயணத்திற்கு அனுமதி சீட்டுடன், வட இந்தியாவிலிருந்து கிருஷ்ணன் 18-4-78-ல் வேலூர் வந்து சேர்ந்தார். 19-4-78-ம் தேதி ராணிமேரி சிறையிலிருந்து விடுதலைப் பெற்று வெளியே வந்தார். ராணிமேரிக்கும், கிருஷ்ணனுக்கும் திருமணம் செய்வித்து, இருவரையும் வாழ்த்தி வட இந்தியாவிற்கு பயணம் மேற்கொள்ள வேலூர் புகைவண்டி நிலையத்தில் வழியனுப்பி வைத்துவிட்டு .. அலுவலகம் திரும்பினேன்.

கொலைகாரி, நடத்தை கெட்டவள், திருடி, சிறை சென்றவள் என்று பட்டம் கொடுத்து வெறுக்கும் இந்த சமுதாயத்தில், மற்றவர்களைப் போல குடும்ப பெண்ணாக, இந்த சமுதாயத்தில் ஒருத்தியாக நல்லவளாக திருந்தி வாழ ஏற்பாடு செய்து அவளது எதிர்கால வாழ்க்கை ஒளி மயமாக அமைய விளக்கேற்றி வைத்து விட்டோம் என்ற மனநிம்மதியில் பெருமூச்சி விட்டு அலுவலக நாகாலியில் சாய்ந்தேன்.

குறிப்பு : பெயர் மட்டும் கற்பனை.

எங்களிடம் உங்களது இல்லங்களுக்கு தேவையான திருமணம் மற்றும் விசேஷங்களுக்கு தேவையான அழகிய எவர்சில்வர், பித்தளை, செம்பு, அலுமினியம், ஹிண்டா வியம் முதலிய பாத்திரங்கள் குறைந்த விலையில் கிடைக்கும்.

குறிப்பு : மாதாந்திர பாத்திர சேமிப்பு திட்டம் மாதம் ரூ. 10, ரூ. 5 வீதம் கட்டி பயன் பெறுங்கள்..

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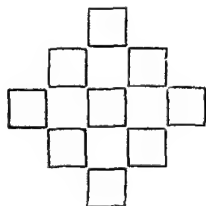
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### ஆத்தூர் துளுவ வேளாளர் சங்கம்

101. தாயுமானவர் தெரு,  
ஆத்தூர்-636102 சேலம் (D. T.)

பொது மக்களிடமிருந்து பிக்செட் டிபாசிட்டுகள் 11% வட்டி வரை ஏற்றுக் கொள்ளப்படுகிறது.

மக்களுக்கு சேமிப்பு பழக்கத்தை ஏற்படுத்தும் நோக்கத்துடன் தமிழ்நாடு சீட்டு பண்ட சட்ட விதிப்படி ரூ 500/-1000/-2000/-5000/-10,000/- வரை சீட்டு குரூப்புகள் நடைபெற்று வருகிறது.

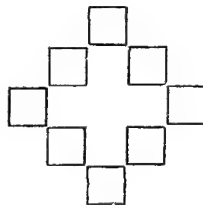
ஆத்தூர் துளுவ வேளாளர் சங்கத்தாரால் கட்டப்பட்டுள்ள பிரமாண்டமான அழகு மிகு திருமண்டபத்தில் திருமணம், கலை நிகழ்ச்சி, வரவேற்புகள், சிறப்புக் கூட்டங்கள் நடத்திக் கொள்வதற்கும், உல்லாச பயணிகள் தங்கி செல்வதற்கும் ஏற்ற வசதி மிக்க அறைதளம் உள்ளன.

அன்புடன் வரவேற்கும் : ஆத்தூர் துளுவ வேளாளர் சங்கம் & ஆத்தூர் துளுவ வேளாளர் சங்க திருமண மண்டபம்.

V. ஆறுமுகம்  
காரியதரிசி.

M. ஆறுமுகம்  
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# With Love from . . GOD !

**God so loved the world, that He gave His  
Only begotten  
Son, that whosoever believeth in Him should not  
Perish, but have  
Everlasting  
Life**

John 3:16.

**HAVE** you ever noticed how the gospel has been interwoven into this well-known text from the Bible ?

Jesus came to us "With love ..from God" on the first Christmas Day. Direct from God to us with love ! What a wonderful gift. Have you accepted Him yet ? If you haven't, then do so immediately. He is God's personal gift to YOU.

When you accept God's Gift—Jesus Christ—into your heart, He Himself gives you another gift ! "The gift of God is eternal life through Jesus Christ our Lord" (Romans 6:23).

Jesus Christ is God's gift to the world ! "Every kindred, and tongue, and people, and nation" (Rev. 5:9). Jesus Christ is God's Gift to every individual.

To refuse Him is to refuse God's pardon for your sins. "All have sinned and come short of the glory of God" (Rom. 3:23). "The Wages of sin is death" (Rom. 6:23)

Your sins have put you in the Death Cell ! Out of love for your soul, God has sent Jesus to forgive you, to pardon you, and to set you free. If you refuse to accept the Pardon He offers, then you go to Hell of your own accord and of your own choice.

God sent Jesus into this world to save you from eternal punishment ...to save you from perishing ! The fact that Jesus came is concrete evidence that there is a place called Hell where the devil and his group shall be tormented day and night for ever and ever (Rev. 20:10).

To escape eternal punishment you must believe on the Lord Jesus Christ and accept from Him eternal life. This is a free gift. The beauty of eternal life for the ashes of eternal punishment (Isa. 61:3).

People rush from store to store and from supermarket to super-market to get things at bargain prices. When free gifts are offered the scramble is terrific.

It is strange that people are so keen and businesslike in material things but so casual and indifferent in spiritual things. They forget that all material things are temporal, but spiritual matters are eternal !

Bargain hunters will wait hours in a queue to save a little money. The same people hesitate to spend five minutes in God's Presence to save their souls.

If your father, your mother, your sweetheart or someone who loves you gave you a gift, would you refuse it ? Of course, you wouldn't !

Nobody loves you more than God loves you and He offers you a gift...the greatest possible gift ! He offers you salvation, forgiveness, pardon and redemption through Jesus Christ. This Gift is worth more than all the treasures of the world put together. How can you refuse it ?

The Holy Spirit now introduces the Saviour of the world to you Jesus Christ ! He comes to you personally with Love from God !

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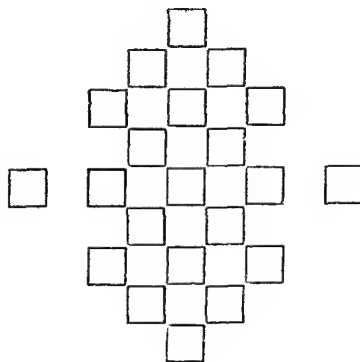
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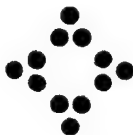
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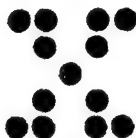
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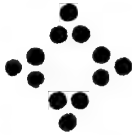
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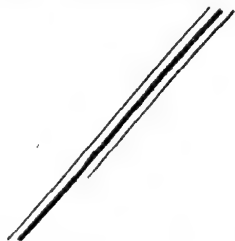
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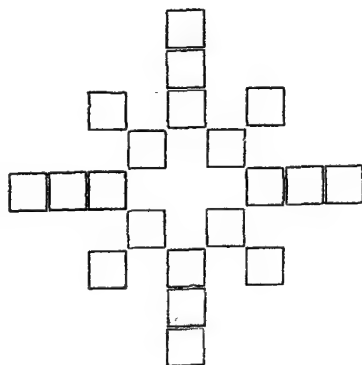
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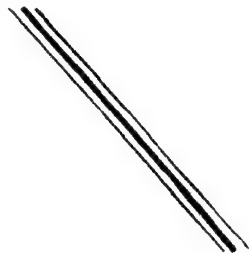
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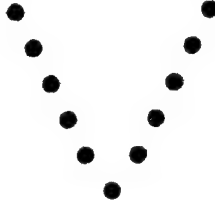
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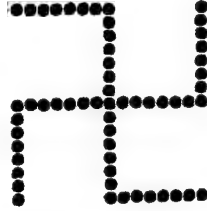
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எண். 94

தொலைபேசி எண் : 293

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ஆத்தூர் 636102 (சேலம்)

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1,000	1,744	2,152	2,989	3,720	5,167	8,936
2,000	3,488	4,304	5,978	7,440	10,334	17,872
3,000	5,232	6,456	8,967	11,160	15,501	26,808
5,000	8,720	10,760	14,945	18,600	25,835	44,680
10,000	17,440	21,520	29,890	37,200	51,670	89,360
வட்டி விதிதம் }	14.64%	16.43%	19.89%	22.66%	27.78%	39.68%

- ஆத்தூர் வட்டத்தில் இயங்கும் ஒரே நகர வங்கி எங்கள் வங்கியே !
- கூட்டுறவு நாணய சங்கமாக இயங்கிய வங்கி, நகர வங்கியாக மாறியதும் எங்கள் வங்கியே !!!
- அதிக வட்டியும் தந்து, சிறந்த சேவை செய்ய விரும்புவதும் எங்கள் வங்கியே !!!

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சூரமங்கலம்,

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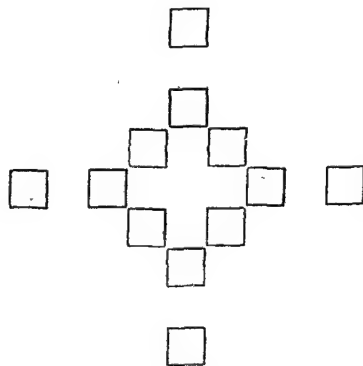
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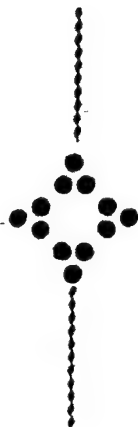
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சீர்த்திருத்தச் சங்கம் மலர் வெளி  
மீட்டிற்கு எங்கனது மனமார்ந்த  
வாழ்த்துக்கள்.



கவையான சிறுநுண்டிற்கும், தரமான  
பலகாரங்களுக்கும் சிறந்த இடம்  
ஸ்ரீ தனலட்சுமி சிறுநுண்டிச் சாலை.

உரிமையாளர் : திரு. N, P. பழநி அன்  
சகோதரர்கள்,  
ஸ்ரீ தனலட்சுமி சிறுநுண்டிச்சாலை  
நபல்பூர், இராணிப்பேட்டை.



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25 APR 1981

# **STATISTICS OF REHABILITATION WORK DONE BY THE PROBATION OFFICERS IN TAMIL NADU DURING 1977**

1. No. helped to secure jobs in Government and Public Sector undertaking	...	27
2. No. helped to secure employment in private sector	...	166
3. No. secured financial assistance from Discharged Prisoners' Aid Society.	...	76
4. No. secured financial assistance from Nationalised Banks to start petty trades	...	18
5. No. secured admission in After-care Home, Hostel etc.	...	9
6. No. helped to secure old age pension	...	6
7. No. helped to secure medical aid	...	61
8. No. helped to continue their education	...	37
9. No. helped to open savings bank accounts	...	27
10. No. of cases in which property disputes settled	...	55
11. No. of cases in which family disputes settled	...	152
12. No. of cases in which relatives persuaded to write letters to convicts in Jails	...	129
13. No. of children of convicts in Jails secured admission in Schools, outside	...	19
14. No. of convicts' relatives secured Financial assistance to meet the prisoners in Jails.	...	20
15. No. of meetings addressed. (Rotary Clubs, Lions Clubs, Schools functions etc.) by Probation Officers	...	10



# Tamil Nadu Probation & Correctional Association

## AIMS AND OBJECTS

1. To promote, and assist in promoting the social welfare of the community by the practice of Probation, Parole, After-care and the kindred social services of the courts, prisons and other correctional institutions.
  2. To stimulate, extend and develop Probation, Parole, After-care and the kindred social services throughout the State through conferences, legislation publication and distribution of literature and in other ways.
  3. To promote good and uniform standards in correctional work including Probation Parole and After-care and to further all methods for the effective, scientific and humane treatment of delinquency and its prevention.
  4. To promote fellowship and co-operation among Correctional, Probation, Parole and After-care officers and all others who are concerned in the administration of justice and the treatment of delinquents.
  5. To collect funds and to do all such other things as are incidental or conducive to the attainment of the above objects or any of them.
- R.S. 320 R.F. 103 R.C. 287

